



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2017

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THE HON'BLE MR.JUSTICE P.N.PRAKASH

W.P. (MD) No.314 of 2017 and
WMP (MD) No.211 of 2017

Velmurugan

... Petitioner

-vs-

1. The District Collector
Tirunelveli District,
Tirunelveli
2. The Superintendent of Police
Tirunelveli,
Tirunelveli District
3. The Deputy Superintendent of Police,
Puliangudi,
Tirunelveli District
4. Vijaya Shanmuganathan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents 1 to 3 to take action against the 4th respondent based on the petitioner's complaint dated 29.12.2016 in accordance with law.

For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.T.S.Mohammed Mohideen
Addl. Govt. Pleader

O R D E R

This writ petition has been filed, seeking a direction to the respondents 1 to 3 to take action against the 4th respondent based on the petitioner's complaint dated 29.12.2016 in accordance with law.

2. Heard the learned counsel on either side.

3. The petitioner is into business of Lorry Transport and it is alleged by the petitioner that on 29.12.2016, the petitioner's vehicle was intercepted by Vijaya Shanmuganathan, Sub Inspector of



Police, Sernthamangalam Police Station and his driver was assaulted. In this connection, the petitioner has given a representation to the authorities, based on which, the Deputy Superintendent of Police conducted enquiry.

4. The Deputy Superintendent of Police himself has filed a counter affidavit dated 08.03.2017, wherein, in paragraph Nos.6 to 8, it is stated as follows:

"6. On the secret information received from the District Police Office, Tirunelveli that there is a illegal sand transportation the 4th respondent checked all the vehicles including the petitioner's vehicle on 29.12.2016 at 6.00 a.m. Onwards. He has not deviated his duty. The 4th respondent has not attacked the petitioner's driver Mr. Kannan and not used any filthy language against load man Mr. Vairamuthu. There is no evidence on attack, injury (or) hospitalization of alleged victim. It is a threat on police officer who prevents sand mafia. It clearly indicates that the petitioner has not come to this Honourable Court with clean hands. The 4th respondent never searched the petitioner as stated by him.

7. It is admitted that a petition dated 29.12.2016 addressed to the District Collector, Tirunelveli Superintendent of Police, Tirunelveli and the Sub Divisional Office, Puliyanagudi, have been received. While the petitions are in movement the Inspector of Police, Kadayanallur, Additional Charge of Sernthamangalam Police Station has received another petition from the Honourable Chief Minister's Cell. That petition has been enquire by the then Inspector of Police. The petitioner was also present at the time of enquiry and made a statement that he would seek the remedy through Court of law. The then Inspector of Police sent the Enquiry Report to the Honourable Chief Minister's Cell. It is found that the petition is bereft of truth and unsustainable.

8. Being the Sub Inspector of Police, Sernthamangalam Police Station, the 4th respondent performs his duty without any bias and partiality. It is his bounden duty to inspect and check the vehicle as per law. Accordingly, the petitioner's vehicle also inspected. There is no deviation of law in any manner."

5. Today, Mr. Vijaya Shanmuganathan, Sub Inspector of Police, Sernthamangalam Police Station, Tirunelveli District, is present before this Court.

6. The learned Additional Government Pleader, on instructions, submitted that no false case will be foisted against the petitioner and if the petitioner's vehicle is found violating any law, he will



have to face necessary legal consequences.

7. Recording the submission, this writ petition is closed. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector
Tirunelveli District, Tirunelveli
2. The Superintendent of Police
Tirunelveli, Tirunelveli District
3. The Deputy Superintendent of Police,
Puliangudi, Tirunelveli District.

+ 1 CC TO Mr.R.J.KARTHICK, ADVOCATE IN SR No. 13653
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 13715

RR

TE/RR : 27/03/2017 : 3P/6C

W.P. (MD) No.314 of 2017 &
WMP (MD) No.211/2017
09.03.2017