



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P. (MD) No.3925 of 2017
and W.M.P. (MD) No.3107 of 2017

P.Sekar

... Petitioner

-vs-

- 1.The Superintendent of Police,
Surveyor Colony,
Madurai City - 625 007.
- 2.The Assistant Superintendent of Police,
Oomachikulam Circle,
Madurai District.
- 3.The Inspector of Police,
Karuppayoorani Police Station,
Madurai District.
- 4.S.Sethu

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus, directing the respondents 1 to 3 to take necessary action against the 4th respondent regarding the representation dated 31.01.2017 and 27.02.2017.

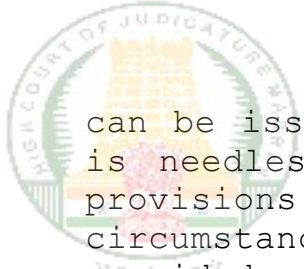
For Petitioner : Mr.K.Suresh

For Respondents : Mr.T.S.Mohammed Mohideen
1 to 3 Additional Government Pleader

ORDER

This writ petition has been filed, seeking a direction to the respondent Nos.1 to 3 to take necessary action against the 4th respondent regarding the representations dated 31.01.2017 and 27.02.2017.

2.It is seen that the petitioner is having civil dispute with the fourth respondent. In this regard, the petitioner has given a complaint, based on which the third respondent has registered a case in C.S.R.No.16 of 2017 and petition enquiry is pending. Under such circumstances, no Mandamus as prayed for by the petitioner



can be issued. When there is commission of cognizable offence, it is needless to say that the Police will have to act under the provisions of the Code and not otherwise. Under such circumstances, the relief as claimed by the petitioner cannot be provided. However, the third respondent police has to conduct enquiry in C.S.R. No.16 of 2017 and take action in accordance with law expeditiously.

3. With the above directions and observations, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Surveyor Colony,
Madurai City - 625 007.
2. The Assistant Superintendent of Police,
Oomachikulam Circle,
Madurai District.
3. The Inspector of Police,
Karuppayoorani Police Station,
Madurai District.

+1cc to Mr.K.Suresh, Advocate Sr.No. 12974
+1cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.NO. 13169

sj
AE/RR/15.03.2017/2P/6C

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