



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.05.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.8807 of 2017

Maheshkumar,

.. Petitioner

Vs.

1. The Director,
Adhi-Diravidar & Tribal Welfare Department,
Chepauk, Chennai.

2. The Commissioner of Police,
Madurai City, Madurai.

3. Nirmalkumar

4. Amutha

5. Ponnuchamy

.. Respondents

PRAYER: Writ Petition is filed Under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to issue necessary direction to the 2nd respondent to take appropriate action as against the respondents Nos.3 to 5 under SC and ST Atrocities (Prevention of Civil Right) Act based on petitioner's representation in the form of complaint made to the 1st respondent on 12.04.2017.

For Appellant

: Mr.K.Kannan

For Respondents 1 & 2

: Mr.S.Chandrasekar,
Government Advocate.

ORDER

This Writ Petition is filed by Mr.Maheshkumar, seeking a Writ of Mandamus, directing the first respondent to issue necessary direction to the second respondent to take appropriate action as against the respondents Nos.3 to 5 under SC and ST Atrocities (Prevention of Civil Right) Act, based on the petitioner's representation, in the form of complaint made to the first respondent on 12.04.2017.

2.Mr.S.Chandrasekar, learned Government Advocate, takes

notice for the respondents 1 and 2.



3. The learned counsel for the petitioner would submit that the petitioner hails from a suppressed community. After completing ninth standard, on 18.06.2010 he got appointment as a Helper in the Tamil Nadu Electricity Generation and Distribution Corporation. While so, the daughter of the respondents 3 and 4, namely, Mathangi Nirmal, fell in love with him. As a result, marriage also took place in Poonga Murugan Temple, Near Gandhi Museum, Madurai. But the said marriage was disliked by the respondents 3 and 4, because of his community. After some time, since the said Mathangi Nirmal, who was doing B.Sc. in Physics in Thiagarajar College of Arts and Science, was not co-operating with the parents, she was forcibly taken away by her parents on the ground that the marriage with the petitioner was not recognised due to his community. Finally a proceeding was initiated under Section 125 Cr.P.C. and the same is also pending. In the mean while, a complaint was given by the father of the said Mathangi Nirmal against the petitioner before All Women Police Station, Tallakulam. In order to attend the enquiry, when the petitioner went to the police station on 12.04.2017, his father-in-law and mother-in-law abused him by using his caste name. Therefore, he has given a representation on 12.04.2017 to the first respondent. But the said complaint has not been looked into. Therefore, a direction may be given to consider the complaint.

4. The learned Government Advocate appearing for the respondents 1 and 2, after taking instructions from M/s. Prabavathi, Sub-Inspector of Police, All Women Police Station, Tallakulam who is also present, made a statement that the allegation made by the petitioner that on 12.04.2017, inside the police station, the father and mother of the said Mathangi Nirmal abused the petitioner, is totally baseless, since the father and mother of the said Mathangi Nirmal, were not even present on the said date.

5. I find merits on the said statement. Secondly, the petitioner is not even able to show any iota of proof that he has married the said Mathangi Nirmal. Place and date of marriage have not been mentioned. The said allegation of the petitioner shows that he wants to fish out of a muddled water by throwing false allegation that he was abused by the father and mother of the girl with whom he allegedly fell in love. As the allegations are all clearly an after thought, this petition is rejected. No costs.

Sd/-
Vacation Officer

/True Copy/



1. The Director,
Adhi-Diravidar & Tribal Welfare Department,
Chepauk, Chennai.

2. The Commissioner of Police,
Madurai City, Madurai.

+1cc to Special Government Pleader, SR.No.56457
+1cc to M/S. K.KANNAN, Advocate, SR.No.56217

ORDER MADE IN
W.P (MD) No.8807 of 2017
10.05.2017

SDS/MR/SAR 4/10.05.2017/3P/5C