



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2017

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.(MD)No.1463 of 2011

C.Thiraviam

... Petitioner

Vs.

1.The Superintendent of Police,
Kanyakumari District,
Kanyakumari.

2.Mr.Gunasekar,
The Inspector of Police,
Manavalakurichi Police Station,
Manavalakurichi,
Kanyakumari.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to take necessary action against the second respondent and consequently pay the compensation amount to the petitioner.

For Petitioner : Mr.S.Raja Sekar

For R-1 : Mr.G.Muthu Kannan
Government Advocate

For R-2 : Mr.R.Mathiyalagen

ORDER

The petitioner seeks issuance of Writ of Mandamus, directing the first respondent to take necessary action against the second respondent and consequently pay the compensation amount to the petitioner.

2. The case of the petitioner is that he is the owner of the lands in Survey Nos.570/1, 622/17. Some persons had an evil interest in the lands and they are trying to acquire his property and also threatened him. Hence he filed Crl.O.P.No.10566 of 2010 seeking police protection.



3. The petitioner would further state that on 16.11.2010, this Court directed the respondents to provide police protection. Accordingly, on 04.12.2010, the petitioner made a representation seeking police protection. The first respondent recommended to provide police protection to the Deputy Superintendent of Police, Colachel. When the petitioner approached the Deputy Superintendent of Police, Colachel, he informed the petitioner to approach the second respondent.

4. Accordingly, the petitioner approached the second respondent on 28.12.2010, however, the second respondent, instead of safeguarding the interest of the petitioner, misbehaved in a rude manner and also abused him in filthy language. So the petitioner gave a complaint to the first respondent on 29.12.2010 to take action against the second respondent. Since there was no progress, the present writ petition has been filed.

5. Heard Mr.S.Raja Sekar, learned counsel for the petitioner, Mr.G.Muthu Kannan, learned Government Advocate for the first respondent and Mr.R.Mathiyalagen, learned counsel for the second respondent.

6. The learned counsel for the petitioner reiterated the allegations made in the affidavit and prayed this Court for allowing the writ petition.

7. The learned Government Advocate, on instructions, would submit that the first respondent conducted enquiry based on the complaint of the petitioner dated 29.12.2010 and closed the complaint in the year 2011 itself. The second respondent filed a counter affidavit stating that he joined as the Inspector of Police in Manalvalakurichi Police Station on 22.10.2010 and relieved on 14.02.2011. It is further stated that he has not attacked the petitioner and no such incident had taken place as alleged by the petitioner.

8. It is not in dispute that this Court, in Crl.O.P.No.10566 of 2010, permitted the petitioner to approach the first respondent seeking police protection. Though the petitioner has alleged that when he approached the second respondent on 28.12.2010 as per the instructions of the Deputy Superintendent of Police, Colachel, he was attacked by the second respondent, no materials are placed before this Court to substantiate the allegations.

9. It is further seen that the petitioner has not filed any private complaint against the second respondent for the ~~alleged incident~~ on 28.12.2010. If really any such incident had taken place, certainly a private complaint would have been lodged against the second respondent.



10. Considering the above facts, this Court is of the opinion that the petitioner is not entitled for the relief sought for in this writ petition. Hence, this writ petition is dismissed. No costs.

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Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

The Superintendent of Police,
Kanyakumari District,
Kanyakumari.

+1cc to M/S.T.Lajapati Roy, Advocate SR.No. 78943
+1cc to M/S.S.Karthik, Advocate SR.No. 78505
+1cc to Special Government Pleader, SR.No. 78773

W.P. (MD) No. 1463 of 2011
13.09.2017

SM/VSG

JM/KK/SAR 3/26.09.2017/3P/5C