



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2017

CORAM:

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.3618 of 2011 and
M.P(MD)No.1 of 2011

P.Christopher Raj

... Petitioner

Vs.

- 1.The Superintendent of Police,
Kanyakumari District, at Nagercoil.
- 2.The Deputy Superintendent of Police,
Thuckalai, Kanyakumari District.
- 3.Sakthivel
Inspector of Police,
Kaliyakavilai Police Station
Kanyakumari District.
- 4.Vijayakumar
Inspector of Police,
Kuzhithurai Branch
Kanyakumari District.
- 5.Jayakumar,
Police No.1664,
Kaliyakavilai Police Station,
Kanyakumari District.
- 6.Velappan
Head Constable,
Prohibition and Excise Wing,
Kuzhithurai Prohibition and Excise Wing Branch,
Kanyakumari District.
- 7.Murugan
Head Constable,
Prohibition and Excise Wing,
Kanyakumari District.
- 8.Christopher,
Driver,
Prohibition and Excise Wing,
Kanyakumari District.



9.Martin Leo
A.D.S.P. P.E.W.
Tuticorin District.

10.Guruvenkatraj
Inspector of Police,
Alvar Thirunagar Police Station,
Tuticorin District.

11.Narayanan
Head Constable,
Alvar Thirunagar Police Station,
Tuticorin District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay a sum of Rs.10,00,000/- as compensation and initiate departmental proceeding against the respondents 3 to 11 for their malafide activities.

For Petitioner	: Mr.T.Jeen Joseph
For R.1 & R.2	: Mr.T.S.Mohamed Mohideen Additional Government Pleader
For R.9	: Mr.Anwarsameen
For R.11	: Mr.G.Thalai Mutharasu
For R.3 to R.8 & R.10	: No Appearance

O R D E R

This writ petition has been filed seeking to direct the respondents to pay a sum of Rs.10,00,000/- as compensation and initiate departmental proceeding against the respondents 3 to 11.

2. Heard the learned Counsel appearing on either side.

3. According to the petitioner no criminal case was pending as against him, till 1997. It is the case of the petitioner that he appeared as one of the witnesses before the Revenue Divisional Officer in a proceeding against one Soundarapandian, Sub Inspector of Police, in which, the said Police officer was found guilty. It is the contention of the petitioner that aggrieved by this incident, the blemished police officials, having vengeance over the same, had started harassing the petitioner and had also foisted several false cases against him and the petitioner was acquitted by the learned Judicial Magistrate. Thereafter, the petitioner sought for compensation before the trial Court, wherein, he was directed to initiate separate proceedings for compensation. Subsequent thereto, the petitioner issued notice to the police as well as the defacto complainant, who foisted the false case against him. In the meanwhile, the Police Officials started misusing their powers and included the petitioner's name in the rowdy list, which caused mental agony to the petitioner and hence, the present writ petition has been filed for the relief as stated supra.



4. The learned Counsel for the petitioner specifically contended that as serious allegations are levelled against the police personnels, they are arrayed as respondents 3 to 11, in this writ petition, in their individual capacity.

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5. After a detailed and elaborate arguments, the learned Counsel for the petitioner submitted that the petitioner is now inclined to submit a fresh representation before the first and second respondents seeking the above said relief and the same may be considered, on merits, within a stipulated time limit, for which, the learned Additional Government Pleader has no serious objections.

6. Considering the limited scope of the relief sought for, this Court, without going into the merits, directs the petitioner to submit a fresh representation along with a copy of this order before the respondents 1 & 2, within a period of two weeks from the date of receipt of a copy of this order and on such representation being filed, the same shall be considered, on merits and appropriate orders shall be passed in accordance with law, within a period of six weeks thereafter, after affording due opportunity of hearing to the petitioner as well as all the necessary parties, viz., the respondents 3 to 11.

7. The writ petition is disposed of as above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar.

To:

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

2.The Deputy Superintendent of Police,
Thuckalai,
Kanyakumari District.

+1CC to Mr.T.Jeen Joseph, Advocate, SR.No. 83204
+1CC to Mr.I.Irullapan, Advocate, SR.No. 83397
+1CC to the Special Government Pleader SR.No.83298

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