

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.10023 of 2016

R.Arunkumar

.. Petitioner

-vs-

1.The Secretary to Government,
Home Department, Fort St. George,
Chennai-600 009.

2.The Director General of Police,
Mylapore, Chennai-4.

3.The Commissioner,
Vigilance and Anti Corruption,
Greenways Road, Adayar,
Chennai-28.

4.The Commissioner of Police,
Salem City, Salem.

5.Prabakaran

6.Bharathi Mohan

7.Palanivel

8.Baskar

9.Murugan

10.K.R.Ravi

11.G.Baskar

.. Respondents

Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the fourth respondent to take necessary action against the respondents 5 to 9 by disposing of the written representation made by the petitioner on 01.02.2016 within a stipulated time.

For Petitioner : Mr.R.Karthikeyan
for M/s.Sarvabhauman & Associates

For Respondents : Mrs.P.Rajalakshmi,
Additional Government Pleader
for R1 to R4

ORDER

This writ petition has been filed by the petitioner seeking a direction to the fourth respondent to take necessary action against the respondents 5 to 9 by disposing of the written representation made by him on 01.02.2016 within a stipulated time.

2.The case of the petitioner is that he is doing business in the field of electrical goods in and around Salem. According to him, the respondents 10 and 11 approached him for purchase of Innova Car. After purchasing the said Car, on 20.09.2015, respondents 10 and 11 approached the petitioner to arrange to return back the above Car, as a result of which there were some disputes between them. While so, on 21.09.2015, when the petitioner along with his wife and children were sleeping in their house, some persons entered in the house with wooden stick after break opening the door and informed that they are police attached with 7th respondent police station i.e. respondents 8 and 9. According to the petitioner, they entered into his bedroom and taken away the entire things accompanied with the seventh respondent. Thereafter, they started attacking him. Despite the petitioner requesting to stop their attack, the respondents 10 and 11 instigated the respondents 6 to 9 to beat him severely. After preparing a bogus complaint, they brought him before the Judicial Magistrate for remand. When the Judicial Magistrate asked about the bleeding in the body of the petitioner, he informed that the police assaulted him and caused severe injuries all over his body. Thereafter, the Judicial Magistrate directed the police to admit the petitioner in the hospital and the Doctor gave him first aid treatment. Subsequently, he was taken by the police to jail. After coming out on bail, the petitioner made several written representations to the respondents 1 to 4 to take necessary action against the respondents 5 to 9. As there was no response from them, he is before this Court seeking the above prayer.

3.Learned counsel appearing for the petitioner also placed on record the discharge summary dated 26.09.2015 issued by Neuro Foundation committed to Neuro Sciences and also the photographs showing reddish eye sustained by the petitioner from the attack and arrest made by the respondents 5 to 9.

4.The detailed counter affidavit filed by the fourth respondent, Commissioner of Police, Salem City clearly shows that the fourth respondent will dispose of the petitioner's representation dated 01.02.2016 immediately after enquiry report is received.

5.Since the fourth respondent has already undertaken to consider the petitioner's representation on the basis of the enquiry report going to be received by him, this Court directs the fourth respondent to consider the petitioner's representation dated 01.02.2016 and pass appropriate orders, on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order.

6.With the above direction, the writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Secretary to Government,
Home Department, Fort St. George,
Chennai-600 009.

2.The Director General of Police,
Mylapore, Chennai-4.

3.The Commissioner,
Vigilance and Anti Corruption,
Greenways Road, Adayar,
Chennai-28.

4.The Commissioner of Police,
Salem City, Salem.

+1 cc M/s.Sarvabhauman Associates, Advocate Sr.No.77779
+1 cc to The Government Pleader, Sr.No.78287

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BS (CO)
CSL/06.12.2018