

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.A.No.1322 of 2018

T.Komala

... Appellant/Petitioner

Vs

1. The Home Secretary,
Government of Tamil Nadu,
Secretariat, Chennai-9.
2. The Director General of Police,
Rajaji Salai, Chennai.
3. The Commissioner of Police,
Egmore, Chennai-8.
4. The Assistant Commissioner of Police,
Law and Order,
Kilpauk, Chennai.
5. The Inspector of Police,
Chetput, Chennai-31.
6. M.Mahalingam

... Respondents/Respondents

Prayer :

Writ Appeal filed under Clause 15 of the Letter Patent against the order dated 09.04.2018 made in W.P.No.12175 of 2012 by a learned Single Judge.

W.P.No.12175 of 2012:-

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 1 to 4 herein to take action on the 5th and 6th respondents herein by registering FIR against them on the basis of the complaint dated 30.03.2012 sent by the petitioner herein to the 3rd respondent herein and to proceed against them in accordance with law.

For Appellant :: Mr.T.Dhanasekaran
For Respondents :: Mr.P.S.Siva Shanmuga Sundaram,
1 to 5 Special Government Pleader

JUDGMENT

(Judgment of the Court was pronounced by HULUVADI G.RAMESH, J.)

The Writ Appeal is directed against the order dated 09.04.2018 made in W.P.No.12175/2012 by a learned Single Judge.

2. The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents 1 to 4 to take action on the respondents 5 and 6 by registering F.I.R. against them on the basis of the complaint given by the petitioner dated 30.03.2012 to the 3rd respondent and to proceed further against them in accordance with law. The said Writ Petition was dismissed by the learned Single Judge by order dated 09.04.2018. Aggrieved over the same, the petitioner is before this Court with this Writ Appeal.

3. The matter is listed today under the caption, ''for admission''. Heard the learned Counsel for the appellant and the learned Special Government Pleader appearing for the respondents 1 to 5. We have also gone through the typed set of papers filed along with the writ appeal including the order passed by the learned Single Judge.

4. In paragraph 3 of the order of the learned Single Judge, it has been observed as under:

''3. The case of the petitioner is as follows:

There appears to be a dispute between the petitioner and the private respondent and also against the Inspector of Police, the 5th respondent herein. In case, the petitioner has any grievances, it is always open to the petitioner to work out her remedies in the manner known to law and cannot seek to invoke the jurisdiction of this Court under Article 226 of the Constitution of India. The prayer of this kind cannot be maintained in the present writ petition before this Court.''

A reading of the above would show that there is a dispute pending between two private individuals and further it appears that they have approached the police. In the normal course, in order to maintain law and order, the police personnel will resolve the problem amicably. But as observed by the Single

Judge in such matters of civil nature, the police cannot decide. It is for the private individuals, after exchange of notices among them, if the dispute is not settled, they can approach the appropriate forum seeking for declaration or any other relief as it is not a disputable question of fact between the parties and the appropriate forum after following the procedure as contemplated under the Civil Procedure Code or any other appropriate rules, that too, after hearing both sides, will resolve the issue between two individuals judicially. Therefore, it is for the appellant to approach the appropriate forum, if she is so advised.

5. With the above observations, the Writ Appeal is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Home Secretary,
Government of Tamil Nadu, Secretariat, Chennai-9.
2. The Director General of Police,
Rajaji Salai, Chennai.
3. The Commissioner of Police, Egmore, Chennai-8.
4. The Assistant Commissioner of Police,
Law and Order, Kilpauk, Chennai.
5. The Inspector of Police, Chetput, Chennai-31.

+1cc to Mr.R.Sankarappan, Advocate, S.R.No.42145

W.A.No.1322/2018

NMI (CO)
CS/12/07/18