

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:25.10.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.5213 of 2013

and

MP.No.1 of 2013

E.M.Enterprises

...Petitioner

Vs.

1.The State rep. by

The Inspector of Police,
K.G. Chavadi Police Station,
Madhukkarai, Coimbatore District.

2.The Sub Inspector of Police,

K.G. Chavadi Police Station,
Madhukkarai, Coimbatore District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, Forbearing the respondents their men and subordinates from interfering with the business activities of the petitioner / M/s.E.M. Enterprises while transporting ready mix mortar to its customers.

For Petitioner : Mr.A.Paneerselvam
for Mr.D.Muthuselvam

For Respondents : Mrs.A.Srijayanthi
Special Government Pleader

सत्यमेव जयते
O R D E R

The relief sought for in this writ petition is to forbear the respondents, their men and subordinates from interfering with the business activities of the petitioner / M/s.E.M. Enterprises while transporting ready mix mortar to its customers.

2. The grievance of the writ petitioner is that they are doing the business of transporting ready mix mortar to its customers. During the course of running their business, the respondents are unnecessarily interfering with their business activities. In this regard, the criminal case was also registered against the writ petitioner by the respondent Police in C.C.No.434 of 2012.

3. The learned Special Government Pleader appearing on behalf of the respondents made a submission that the respondents are not entering with the legal business of the writ petitioners. Whenever, the respondents Police received an information in respect of any illegality, if any committed, then alone they are taking actions by following the procedures contemplated under law.

4. This Court is of an opinion that the respondents are bound to follow the procedures contemplated under the Code of Civil Procedures, whenever a case is registered against the writ petitioner. The writ petitioner cannot file a writ petition seeking a relief of injunction restraining the respondents Police from interfering with the business as such. The respondents are bound to conduct inspections or otherwise, if any, informations are received regarding any illegality. The respondents being an Inspector of Police and Sub Inspector of Police are bound by the Rule of law and they are bound to initiate action, if there is any offense is came to their knowledge or to their notice. Such being the duty and responsibility casted upon the Police, the relief as such sought for to forbear the respondents cannot be granted. The writ petitioner are entitled to continue their business in a legal manner, without committing any illegality or offense.

5. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently connected miscellaneous petition is closed.

Sk

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police,
K.G. Chavadi Police Station,
Madhukkarai, Coimbatore District

2.The Sub Inspector of Police,
K.G. Chavadi Police Station,
Madhukkarai, Coimbatore District.

+ 1 cc to M/s.S.Gunalan, Advocate Sr 73154

+ 1 cc to The Govt. Pleader, Sr 73507

KR/15/11/18

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