

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:04.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

WP No.34013 of 2017

E.Palani

... Petitioner

Vs

1. The Home Secretary,
Secretariat,
Fort St. George,
Chennai-600 009.
2. The Director General of Police,
Kamarajar Salai,
Mylapore, Chennai-600 004.
3. The Inspector General of Police (North Zone)
Kamarajar Salai,
Mylapore, Chennai-600 004.
4. The Superintendent of Police,
Office of the Superintendent of Police,
Thiruvallur District,
Thiruvallur.
5. The Inspector of Police,
D-1, Police Station, Thiruthani,
Thiruvallur District.
6. The Proprietor,
M/s.Gopi Vilas Coffee Shop,
Thiruthani Bus Stand,
Thiruthani, Thiruvallur District.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 4 to take disciplinary action by way of removal from the service of the 5th respondent and consequently direct the respondents 1 to 4 to grant the sanction of removal of service for conducting enquiry against the 6th respondent.

For petitioner : Mr.E.Palani
Party in person

For RR-1 to 5

: Mr.V.Jayaprakash Narayanan
Special Government Pleader.

ORDER

This writ petition has been filed praying for the issuance of a Writ of Mandamus to direct the respondents 1 to 4 to take disciplinary action against the 5th respondent, with a consequential direction to the same respondents 1 to 4 to grant the sanction of removal of service for conducting enquiry against the sixth respondent.

2. The petitioner appearing as party-in-person submitted that while he went to Tirupathy - Thirumalai for worship on 07.09.2017, after completing his pilgrimage, returned to Thiruthani on 09.09.2017. On the next day, on 10.09.2017 at about 9.30 p.m., again the petitioner, along with his family members went to Lord Muruga Temple at Thiruthani, where they have taken rooms at the "Ganesh Lodge", near Thiruthani Bus Stand and after leaving the lodge at about 10.40 p.m., the petitioner along with his wife and his uncle, went to a Tea and Snacks Shop in the name and style of "Gobi Vilas Coffee Shop" and after purchasing coffee at the rate of Rs.12/- (Rs.12 x 2 persons), they gave two 10 Rupees notes and one 10 Rupee coin, totaling Rs.30/- to the said Tea Shop owner. But the 6th respondent, who is the proprietor of the Tea Shop, had refused to receive the 10 Rupee coin stating that it is invalid. Immediately, the petitioner questioned the said Tea shop owner, explaining that the 10 Rupee coin has been supplied by the Union Government of India, through the Reserve Bank of India and for which, the Tea shop owner replied stating that, since the traders in Thiruthani Bus Stand has passed a resolution not to accept the 10 Rupee coin, he was unable to receive the same. But this explanation was thrown in the air. Ultimately, after some altercation, he has gone to the nearest Police Station to register a complaint against the 6th respondent. But, one Mr.Vinayagam, Inspector of Police, who is 5th respondent herein, supporting the 6th respondent, gave a reply to the petitioner stating that he should not have given 10 Rupee coin to any traders at Thiruthani for the reason that the Traders of India's National Symbol Union, has already passed a resolution not to accept any 10 Rupee coin in any shop.

3. The action and behaviour of the 5th respondent are that he is supporting the 6th respondent and the 5th respondent had failed to receive the complaint lodged by the petitioner against the 6th respondent. The petitioner repeatedly requested the 5th respondent to accept his complaint. But, without receiving the complaint and registering the same against the 6th

respondent, violating the Government of India Rules, the petitioner was detained for about 3 to 4 hours and finally, at the intervention of two Advocates, he was released, which shows that the 5th respondent, who is serving as Inspector of Police has not only chided the 6th respondent, but also stabbed the petitioner for questioning the 6th respondent to honour the 10 Rupee coin tendered by him as price for the coffee he consumed in the 6th respondent's coffee and snacks shop.

4. The petitioner has given two complaints on 10.09.2017 and 25.09.2017. In none of these complaints, the petitioner has made any mention about his illegal detention in the fifth respondent Police Station. Moreover, no where he has mentioned the intervention of the two of his counsel for his release from illegal detention. That shows that the petitioner has come to this Court with an afterthought. Therefore, this Court is unable to entertain this writ petition. It is well settled legal position that any one should come to the Court with clean hands. In the present case, it is clear from the documents filed in support of the petition that the petitioner has not come to this Court with clean hands. Therefore, the Writ Petition fails and the same is dismissed. No costs.

s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

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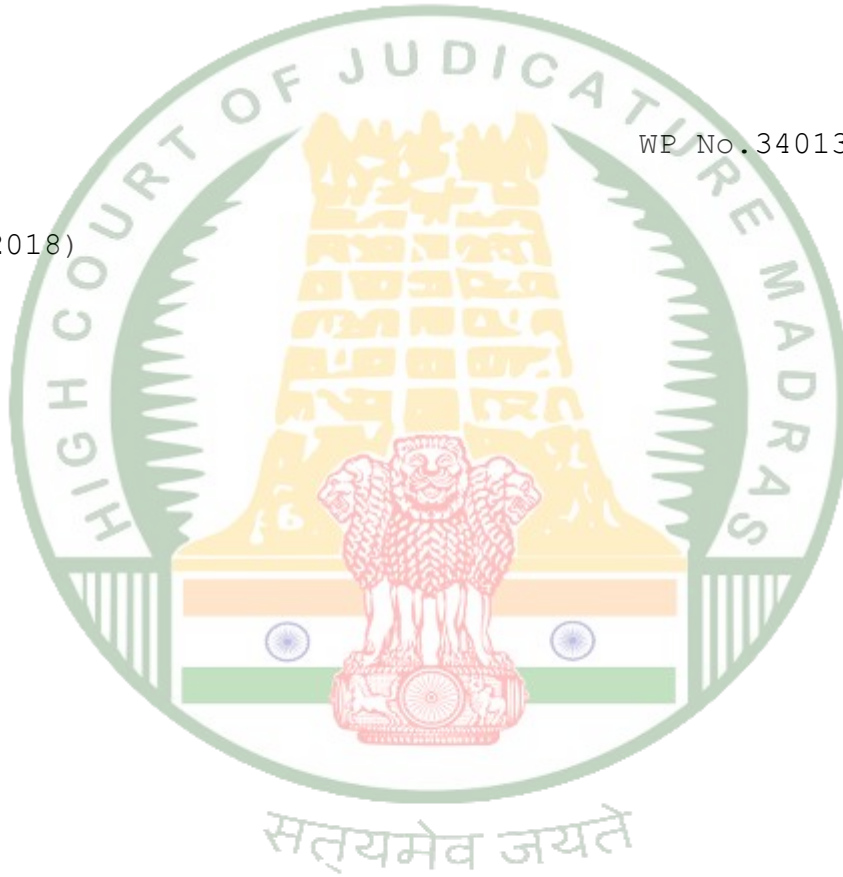
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4. The Superintendent of Police,
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5. The Inspector of Police,
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+1 CC to Mr.E. Palani, Advocate sr 532.
+1 CC to The Govt. Pleader sr 3408.

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GJII(CO)
SP(05/02/2018)



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