

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2018
CORAM

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

W.P.No.12230 of 2018

Marimuthu

..Petitioner

Vs ..

1. Director General of Police,
Kamarajar Salai,
Chennai 600 004
2. Superintendent of Police,
Office of the Superintendent of Police,
Coimbatore
3. Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Pollachi
4. Inspector of Police,
Negamam Police Station,
Negamam, Pollachi Taluk,
Coimbatore District
5. Ramasamy
6. Lakshmanaswamy

.. Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the fourth respondent to take action on the representation of the petitioner dated 30.04.2018 and consequently direct the fourth respondent not to interfere with petitioner's civil dispute till then.

For Petitioner : Mr.P.R.Shankar
For RR1 to 4 : M/s.P.Rajalakshmi,
Additional Government Pleader

O R D E R

The relief sought for in this writ petition is for a direction to direct the fourth respondent to take action on the representation of the petitioner dated 30.04.2018 and consequently direct the fourth respondent not to interfere with petitioner's civil dispute pending before the court of law.

2. The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner has been unnecessarily harassed by the fourth respondent for the purpose of enquiry. Thus, he made a representation on 30.04.2018 and the same is to be disposed of in accordance with law.

3. The Additional Government Pleader appearing on behalf of respondents 1 to 4 made a submission that summon has already been issued by the fourth respondent, who is the competent authority on 06.05.2018. The said summon which is enclosed in page No.42 of the typed set of papers filed along with the writ petition, states that the summon was issued under Section 160 of the Criminal Procedure Code. The competent authorities are empowered to issue summon under the provisions of the Criminal Procedure Code.

4. In the event of receiving any summon from the authorities concerned, it is the duty of every citizen to attend the enquiry and submit his explanations or otherwise before the authorities concerned. Instead of participating in the enquiry or investigation, no writ petition can be filed in order to get a direction to consider the representation. The report already submitted also shall be taken into consideration at the time of enquiry or investigation by the competent authority. It is needless to state that the fourth respondent and the other respondents are bound to act in accordance with the procedures contemplated under the provisions of the Criminal Procedure Code.

5. This being the factum, this Court is of an opinion that there cannot be any direction to consider the representation alone. All facts and circumstances are to be considered by the competent authority and the writ petitioner is bound to attend the enquiry before the respondent concerned as per the summon issued under Section 160 of the Criminal Procedure Code by the fourth respondent and explain his case before the authority.

6. In view of the fact, this writ petition stands disposed of. However there shall be no order as to costs.

s/d-
Assistant Registrar(CS-V)

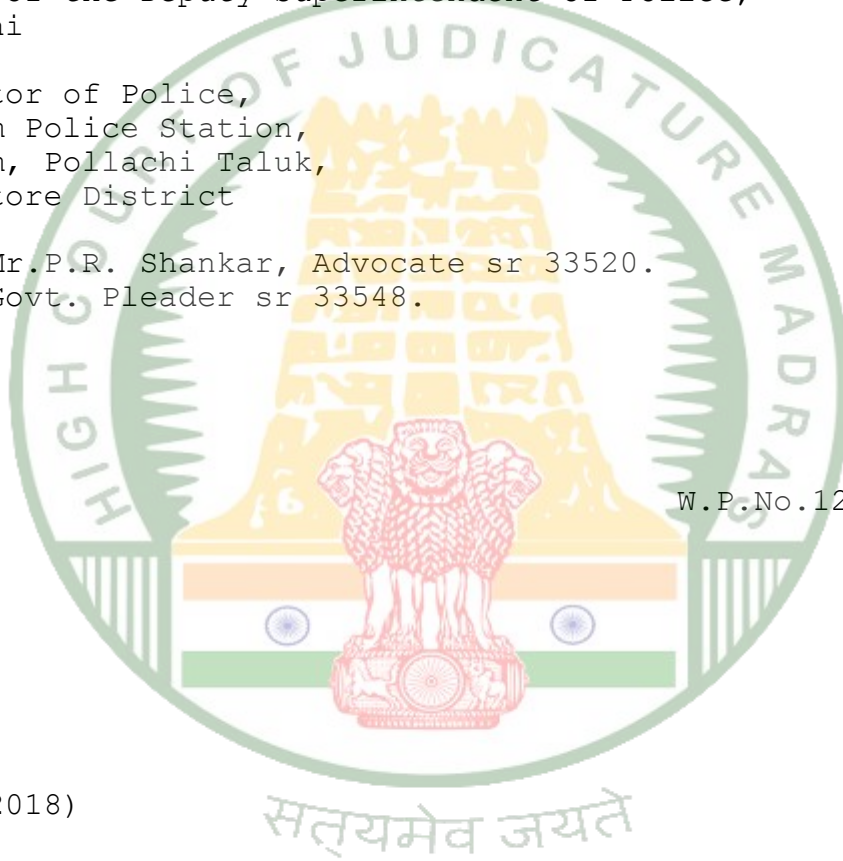
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Sub-Assistant Registrar

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To

1. Director General of Police,
Kamarajar Salai,
Chennai 600 004
 2. Superintendent of Police,
Office of the Superintendent of Police,
Coimbatore
 3. Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Pollachi
 4. Inspector of Police,
Negamam Police Station,
Negamam, Pollachi Taluk,
Coimbatore District
- +1 CC to Mr.P.R. Shankar, Advocate sr 33520.
+1 CC to Govt. Pleader sr 33548.



W.P.No.12230 of 2018

KGK(CO)
SP(30/05/2018)

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