

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2018

CORAM

THE HON'BLE MS. INDIRA BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.281 of 2018

R.Fathima

.. Petitioner

Vs.

1 The Chief Secretary
Government of Tamil Nadu
Chennai - 600 009.

2 The Home Secretary
Government of Tamil Nadu
Chennai - 600 009.

3 The Secretary
Finance Department
Governmentt of Tamil Nadu
Chennai - 600 009.

4 The Director General of Police
Government of Tamil Nadu
Chennai.

5 The Commissioner of Police
Greater Chennai City police
E.V.K.Sampath Salai
Vepery, Chennai - 600 007.

6 The Superintendent of Police
Thanjavur District, Thanjavur. .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents to consider the representations dated 21.10.2016 and 22.10.2016 of the petitioner and protect the petitioner and all people getting affected by police harassment with appropriate orders and also requested that all the above mentioned false FIRs to be cancelled and help

the petitioner to continue her service to the society in free and fair manner and that this Court may appoint an enquiry committee presided by sitting judge, to enquire into all false FIRs filed in Tamil Nadu and find a permanent remedy for the issues faced by public.

For Petitioner : Ms.R.Fathima
Party-in-Person

For Respondents : Mr.T.N.Rajagopalan
Government Pleader
(incharge)

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This writ petition has been filed seeking "writ or writ of mandamus or any other suitable direction directing the respondents to consider the representations dated 21.10.2016 and 22.10.2016 of the petitioner and protect the petitioner and all people getting affected by police harassment with appropriate orders and also requested that all the above mentioned false FIRs to be cancelled and help the petitioner to continue her service to the society in free and fair manner, and that this Court may appoint an enquiry committee presided by sitting judge, to enquire into all false FIRs filed in Tamil Nadu and find a permanent remedy for the issues faced by public and pass orders or any other such orders as this Hon'ble Court feel deem fit and proper in the circumstances of this case and render justice."

2. The petitioner claims to be a student of her mentor and social activist, Dr. Traffic Ramaswamy. According to the petitioner, she is General Secretary of Makkal Pathukappau Kazhagam, which has recently been registered by the Election Commission as political party. According to the petitioner, the petitioner has been fighting for the rights of the public and also filing writ petitions at grave personal risk. According to the petitioner, the police are indifferent to complaints lodged by her.

3. According to the petitioner, the police are provided with modern gadgets and equipment and are making use of online and email registration of complaints. However, police stations do not follow the practice of issuing CSR upon receipt of email complaint. It is also alleged that complaints made against refusal to give CSR are not acted upon. On the other hand,

false FIRs are lodged to intimidate social activists like the petitioner.

4. According to the petitioner, she filed a public interest litigation being W.P. (MD) No.19374 of 2014 in the Madurai Bench of this Court complaining that the email facilities provided in police stations in many districts in Tamil Nadu do not work properly.

5. In paragraphs (7) and (8), it is alleged as follows:

"7. It is submitted that the Police are assisting in all illegal acts in Tamil Nadu against the law. The Police is very angry at the Petitioner because of the cases filed against them. They have attempted to kill me in some way or other. Also Planning in many ways including false FIR's, God has saved the Petitioner some how. It's has been continued till today, and the Petitioner humbly submits that she in a dangerous position. It is prayed that The court may protect the Petitioner and save her life. Traffic DR.Ramasamy her guru, is at the age of 84 and He is a senior citizen. It cannot be expected that he will protect the Petitioner for her entire life. Her Social work is constantly being damaged because she has no protection and added to that she has been facing more harassment by police. Those who commit illegal acts attack her. Due to her social service, she have been affected by the police even for basic livelihood.

8. It is submitted that the Petitioner has started serving the Society at the age of 13 and she continues to do her social services against illegal acts and including Corruption / bribe, Destruction of the natural resources. Due to harassment through false FIRs, the petitioner suffers from great stress, her social service is affected and her PIL cases also get affected and even tried to murder her. People like the Petitioner and social workers should not be influenced by the police, The hon'ble court need to protect the victims of false FIRs & harassment of police, Like the Petitioner, may have suffered."

6. It is claimed that the petitioner has filed FIRs, being F.I.R. 206/2010, dated 10.10.2010 in Thanjavur District, Kabisthalam Police Stationn and F.I.R.190/2014, dated 29.6.2014 in Thanjavur District, Kumbakonam West Police Station, against those who had erected banners. Reference has also been made to

some other FIRs. There is an allegation that the Director General of Police provided false information to protect his colleagues.

7. The reliefs sought for, which are in the nature of personal reliefs sought by the petitioner, cannot be granted in a public interest litigation. The allegations in the writ petition are also vague and devoid of any particulars. The cases lodged by the petitioner have to be pursued by her in appropriate forums.

8. This writ petition is, therefore, rejected. It will be open to the petitioner to agitate her grievances before the appropriate forum. No costs. Consequently, W.M.P.No.337 of 2018 are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sasi

To:

- 1 The Chief Secretary
Government of Tamil Nadu
Chennai - 600 009.
- 2 The Home Secretary
Government of Tamil Nadu
Chennai - 600 009.
- 3 The Secretary
Finance Department
Governmentt of Tamil Nadu
Chennai - 600 009.
- 4 The Director General of Police
Government of Tamil Nadu
Chennai.
- 5 The Commissioner of Police
Greater Chennai City police
E.V.K.Sampath Salai
Vepery, Chennai - 600 007.

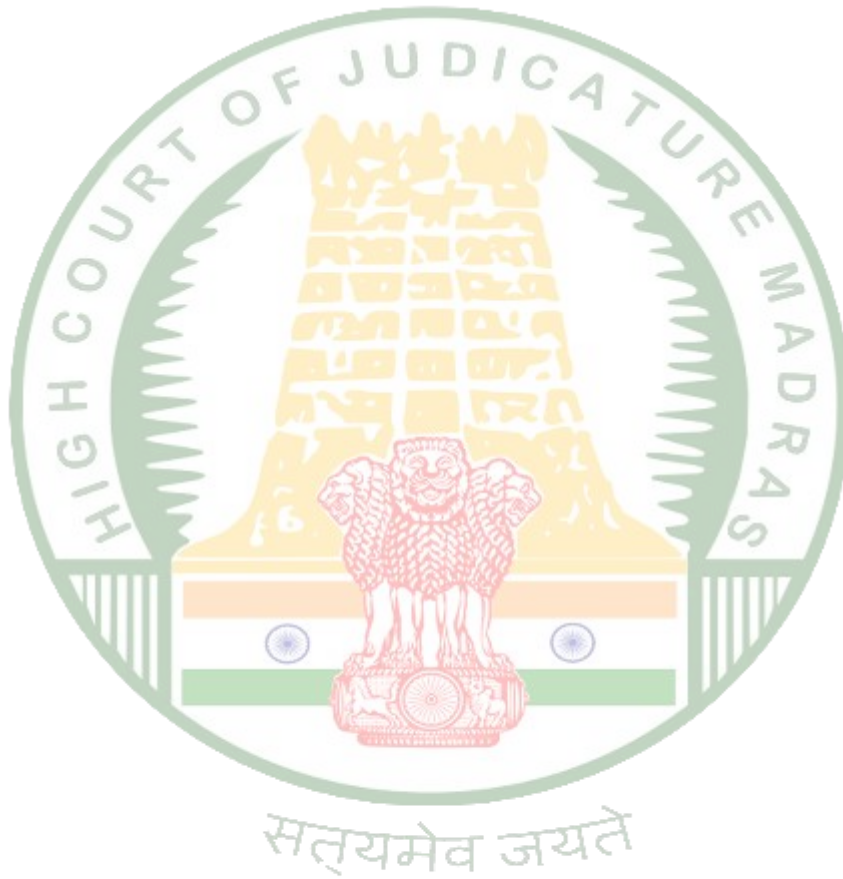
6 The Superintendent of Police
Thanjavur District, Thanjavur.

+2cc to Ms.Fathima, Party in Person, Advocate, S.R.No.1399

+1cc to the Government Pleader, S.R.No.1428

W.P.No.281 of 2018

(CO)
RRK(07/02/2018)



WEB COPY