



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.14093 of 2018

S.Sorimuthupillai

... Petitioner

vs.

1. State through the Director General of Police (Law and Order)
Mylapore,
Chennai.
 2. The Inspector General of Police (L & O)
South Zone,
Madurai.
 3. The Superintendent of Police,
Thoothukudi,
Thoothukudi District.
 4. The Additional Superintendent of Police,
Thoothukudi,
Thoothukudi District.
 5. Shanmugaraj
Head Constable,
Thattaparai Police Station,
Thattaparai,
Thoothukudi District.
 6. Etturaj,
Head Constable,
Thattaparai Police Station,
Thattaparai,
Thoothukudi District.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to pass an order directing the third respondent for instituting appropriate departmental actions of imposing deterrent punishments against respondents 5 and 6 on the basis of the petitioner's representation dated 21.05.2018.



For Petitioner : Mr.B.N.Raja Mohamed

O R D E R

The writ petition has been filed for issuance of Writ of Mandamus, directing the first respondent to pass an order directing the third respondent for instituting appropriate departmental actions of imposing deterrent punishments against respondents 5 and 6, on the basis of the petitioner's representation dated 21.05.2018.

2.On the complaint given by the petitioner, the Judicial Magistrate Court imposed punishment on the 5th and 6th respondents, against which, it appears that they have preferred an appeal and the same is pending. The grievance of the petitioner is that the first respondent has not taken any action against them, pursuant to the punishment imposed by the learned Judicial Magistrate. On application under the Right to Information Act, the first respondent has replied that in view of the pendency of the criminal appeal, action will be taken only after disposal of the appeal. However, the petitioner submits that he is a person aggrieved and therefore, the first respondent should initiate action against the respondents 5 and 6, as per Order 66(2), 66(4) and 66(5) of the Tamil Nadu Police Standing Orders. Since no action has been taken by the first respondent, the petitioner is before this Court.

4.I have heard the learned counsel appearing for the petitioner.

5.If the petitioner is really an aggrieved person, as per the service jurisprudence, whatever the disciplinary action, he want to initiate against the respondents 5 and 6, it can only be initiated based on the final decision of the first respondent, based on the materials placed before him. In this regard, the petitioner has given a representation to the respondents 1 to 3 on 21.05.2018.

6.Admittedly, the first respondent considered the said representation and informed the petitioner that a criminal appeal is pending and after disposal of the same, further action will be taken.

7.The writ petition, now seeking a direction to the first respondent to initiate disciplinary action against the respondents 5 and 6, is premature and the petitioner has no *locus standi* to compel the first respondent to initiate action on his representation. The writ petition merits no consideration. Accordingly, the same is dismissed. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/



To:

1. The Director General of Police (Law and Order)
Mylapore,
Chennai.

WEB COPY

2. The Inspector General of Police (L & O)
South Zone,
Madurai.

3. The Superintendent of Police,
Thoothukudi,
Thoothukudi District.

4. The Additional Superintendent of Police,
Thoothukudi,
Thoothukudi District.

+1cc to Mr.B.N.Raja Mohamed, Advocate Sr.No.71725
+1cc to Spl.Government Pleader Sr.No.71690

VS

VB/PN/SAR3/23.07.2018/3P/7C

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