



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 11.09.2018
CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
W.P(MD)No.19563 of 2018

K.Sivabalamurthy

... Petitioner

-Vs-

1.The District Collector,
Dindigul District, Dindigul.

2.The Superintendent of Police,
Dindigul District, Dindigul.

3.The Inspector of Police,
Palani Town Police Station,
Dindigul District.

4.Sri

5.Muthu

6.Arumugam

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 29.08.2018 seeking to take action against the respondents 4 to 6.

For Petitioner

: Mr.M.Natarajan

For Respondents 1to3

: Mr.B.Bhagawathi, (Civil Side)
Government Advocate.

ORDER

This Wit Petition has been filed for a direction to the respondent police to consider the representation made by the petitioner and to take appropriate action against the respondents 4 to 6.

2.It is the case of the petitioner that Akila Bharathiya Hindu Maha Saba is a registered organization and it is recognized by the election commission. The respondents 4 to 6 are using the name of this organization and collecting money from the general public and cheating them. In this regard, the petitioner has given a complaint to the respondent police and filed this writ petition for a direction to the respondent police to take action against the respondents 4 to 6.

3.Insofar as the right of the petitioner with regard to stopping respondents 4 to 6 in using the name of Akila Bharathiya



Hindu Maha Saba, the appropriate forum would be Civil Court, wherein restraint order can be obtained against the respondents 4 to 6. Only that Court will have the jurisdiction to decide the rights of the interested parties.

4. Insofar as the complaint of the petitioner that the respondents 4 to 6 are misrepresenting name of the organization and collecting funds from the general public, the petitioner can always give complaint of specific instances where such fraud has been committed on the general public, by giving all the details to the respondents police. The petitioner cannot maintain a general complaint without their being any particulars with regard to the specific instances. The relief as sought for in this writ petition cannot be granted to the petitioner.

5. In view of the finding of this Court mentioned hereinabove, the petitioner can workout his remedy accordingly.

6. This Writ Petition is disposed of with the above direction. No costs.

Sd/
Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar (CS-I)

To

1. The District Collector,
Dindigul District, Dindigul.

2. The Superintendent of Police,
Dindigul District, Dindigul.

3. The Inspector of Police,
Palani Town Police Station,
Dindigul District.

+1cc to Mr. M. NATARAJAN, Advocate, SR.No.83917

+1cc to M/s. Special Government Pleader, SR.No. 84083

W.P (MD) No.19563 of 2018
11.09.2018

DAS

KK/SV/SAR-1/27.09.2018/2P-6C