



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P (MD) No.23156 of 2017

and

W.M.P (MD) Nos.19469 of 2017 and 127 of 2018

K.Safar Badhusha

.. Petitioner

Vs.

1.The Registrar (Administration),
Madurai Bench of Madras High Court,
Madurai.

2.The Commissioner of Police,
Madurai City, Madurai.

.. Respondents

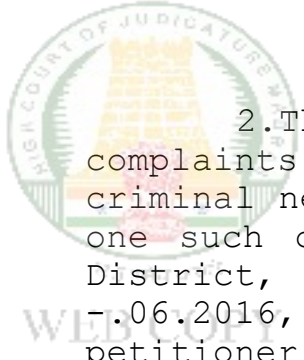
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the case in diary in R.O.C.No.30229-B/2017/D1/MB, dated 08.09.2017, on the file of the second respondent and on considering the gravity of the crime and involvement of the kingpins and underworld dons of the criminal network in connection with the poisoning of eatables not only against the petitioner, but also against the litigants, those who are visiting this High Court and to pass an appropriate order to the second respondent either to conduct an enquiry not below the rank of the Deputy Commissioner of Police or any other competent central investigation agency and to submit a report before this High Court.

For Petitioner : Mr.K.Safar Badhusha
[Party-in-person]
For Respondent No.1 : Mr.N.Mohideen Basha
For Respondent No.2 : Mr.A.K.Baskarapandian,
Special Government Pleader.

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

The petitioner is a practicing Advocate in the Madurai Bench of Madras High Court and he came forward to file this writ petition, praying for issuance of a writ of certiorarified mandamus, to quash the letter of the first respondent, dated 08.09.2017, made in R.O.C.No.30229-B/2017/D1/MB.



2.The petitioner would claim that he had lodged several complaints with the concerned authorities about the activities of criminal network, however, no action has been taken and despite of one such complaint given to the Superintendent of Police, Theni District, it was given a closure, vide communication, dated -.06.2016, without even summoning the petitioner herein. The petitioner, having last hope with the police, also submitted a representation to the Central Bureau of Investigation and since no action has been taken so far, he filed Crl.O.P(MD)No.22122 of 2016, praying for appropriate direction and the same is pending.

3.A perusal of the affidavit filed in support of the writ petition would disclose that it is bereft of any particulars or specific instances and it is too general in nature.

4.The petitioner/party-in-person has drawn the attention of this Court to the typed-set of documents and would submit that by using ancient method, which has been used by black magicians for killing the people, without using the deadly weapons, is using deadly poisonous herbs generated out of castor beans and also has drawn the attention of this Court to the web-site information published by Sultan Qaboos University Medical Journal, which speaks about "castor bean poison". The petitioner/party-in-person would further submit that using the known traditional method, very many murders had takenplace and the petitioner is also under threat for having exposed the same. The petitioner/party-in-person would submit that some Advocates and some persons practicing in this Court and some persons used to visit this campus also adopted the said method for committing heinous crime and it is also brought to the knowledge of the first respondent, in the form of representation, dated 22.06.2017 and the first respondent, in turn, instead of taking action, has merely forwarded the said complaint to the second respondent. The petitioner, challenging the legality of the said letter of the first respondent, dated 26.07.2017, in forwarding his complaint to the second respondent, came forward to file this writ petition to quash the same, with a further direction, directing the second respondent to conduct proper enquiry with an official, not below the rank of Deputy Commissioner of Police or any other competent Central Investigating Agency and submit a report to the High Court and pass such further or other orders.

5.The learned Special Government Pleader appearing for the second respondent would submit that the complaint forwarded by the first respondent, has been endorsed to the Inspector of Police, E-1 - K.Pudur Police Station, Madurai City, and summons have also been issued to the petitioner on one occasion and the enquiry is also conducted and also produced the Case Diary relating to the same. The learned Special Government Pleader would disclose that some witnesses have been examined and their statements have been recorded. It is the submission of the learned Special Government Pleader that the



enquiry, in all seriousness, is going on and the petitioner will be made known about the result of the enquiry on culmination.

6.The learned counsel appearing for the first respondent would submit that under the scheme of Government, the Registrar (Administration) is expected to perform only administrative duties and as regards, the complaint, it does not come within the purview of Registrar (Administration) to take cognizance and act upon and therefore she has rightly forwarded the same to the second respondent for taking action and the second respondent, in turn, after receipt, forwarded the same to the jurisdictional Police Station and the Inspector of Police is also pursuing with the enquiry.

7.This Court has considered the rival submissions and perused the materials placed before it.

8.As rightly pointed out that the affidavit filed in support of the writ petition is bereft of any material particulars and it is too wake.

9.The complaint/representation submitted by the petitioner/ party-in-person to the first respondent contains some allegations and orally pleaded by stating that "kingpins and underworld dons", who are said to have used the traditional black magic methods of administering castor bean and responsible for the death relating to castor bean poison. In the considered opinion of this Court, the first respondent cannot expect to take any action on the basis of the said allegations and therefore, the said official has rightly forwarded the said complaint to the second respondent, who in turn, assigned the same to the jurisdictional Police Station and it is represented that enquiry is also going on. In the considered opinion of this Court, the remedy, if any, open to the petitioner, is to pursue CrI.O.P(MD) No.22122 of 2016, which is said to be pending and hence, the relief sought for by the petitioner, cannot be granted in the light of the reasons assigned above and more particularly, on the aspect that it is bereft of any material particulars and no specific allegation was there, so as to enable the first respondent to take appropriate action.

10.In the result, the writ petition stands dismissed, granting liberty to the petitioner to pursue his remedy, in the manner known to law, before the competent forum. Consequently, connected Miscellaneous Petitions are dismissed. No costs.

Sd/-

Assistant Registrar(Crl. side)

/True Copy/



To

1.The Registrar (Administration),
Madurai Bench of Madras High Court,
Madurai.

2.The Commissioner of Police,
Madurai City, Madurai.

+1cc to M/S.K.Safar Badhusha, Advocate SR.No. 41167
+1cc to Special Government Pleader, SR.No. 40893

ORDER MADE IN
W.P (MD) No.23156 of 2017
and
W.M.P (MD) Nos.19469 of 2017 and 127 of 2018
05.01.2018

smn

JM/GT/SAR 1/31.01.2018/4P/5C