

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2019

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.10108 of 2016

Mr.Singanamala Ramesh Babu

.. Petitioner

Vs

1.The Chief Secretary,
Government of Tamil Nadu,
Fort St. George,
Chennai - 9.

2.The Principal Secretary,
Home Department,
Government of Tamil Nadu,
Fort St.George, Chennai - 9.

3.The Director General of Police,
Office of the Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 4.

4.The Commissioner of Police,
Chennai City Police,
Vepery, Chennai - 7.

5.T.Mohan

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the second respondent to dispose of the petitioner's representation dated 23.03.2015 within a time frame.

For petitioner : Mr.M.Mohanraj

For R1 to R4 : Mrs.P.Rajalakshmi, AGP

ORDER

The petitioner has filed this writ petition seeking for issuance of a writ of mandamus to direct the second respondent / the Principal Secretary, Home Department, Chennai, to dispose of his representation dated 23.03.2015 within a time frame.

2. It is submitted by the learned counsel for the petitioner that the petitioner, being a film producer, had borrowed a sum of Rs.1,00,00,000/- on various dates from one Mr.V.G.B.Sivaram Prasad, by executing promissory notes and subsequent to that, although the said money was settled, Mr.V.G.B.Sivaram Prasad did not handover the blank promissory notes to the petitioner. Whiles, fifth respondent/Mr.T.Mohan, who is working as Section Officer in Secretariat, by misusing his official position, has been lending his support to Mr.V.G.B.Sivaram Prasad. Therefore, it is contended that since the subject money has already been settled long time ago, the fifth respondent, who cannot have any interest in this issue, cannot come forward to help Mr.V.G.B.Sivaram Prasad, hence, on this score, a representation dated 23.03.2015 has been made to the second respondent to initiate action against the fifth respondent. However, since the said representation has not been disposed of for a long time, the present writ petition has been filed with a prayer stated supra.

3. Learned Additional Government Pleader appearing for the respondents 1 to 4, by filing a counter affidavit, submitted that the prayer made in the present writ petition has become infructuous, as the second respondent, on receipt of the representation dated 23.03.2015 of the petitioner, has ordered for an enquiry and finally, the Enquiry Officer found that the charges levelled against the fifth respondent were all false. Moreover, for non-payment of money, Mr.V.G.B.Sivaram Prasad had lodged a complaint dated 12.02.2015 against the petitioner to the Commissioner of Police, Vepery, Chennai, and thereafter, a case in Crime No.70/2015 under Sections 406, 420, 506(1) and 120 (B) IPC has been registered against the petitioner and the same is also pending. Now, this matter has been seized of by learned XI Metropolitan Magistrate, Saidapet, Chennai,

4. In view of the above, since the pending representation dated 23.03.2015 of the petitioner has already been disposed of by the second respondent on 27.08.2015 and that the subject matter is also pending consideration before the learned XI Metropolitan Magistrate, Saidapet, Chennai, nothing survives in the present writ petition for further adjudication and accordingly, the writ petition fails and the same is dismissed. No Costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

- 1.The Chief Secretary,
Government of Tamil Nadu,
Fort St. George,
Chennai - 9.
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- 3.The Director General of Police,
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+2cc to Mr.M.Mohanraj, Advocate Sr.113
+1cc to the Government Pleader Sr.1007

W.P.No.10108 of 2016

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srg 25/01/2019