

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.04.2019

CORAM

THE HON'BLE MR. JUSTICE V.PARTHIBAN

W.P.NO.10385 OF 2011

Anitha

.. Petitioner

Vs.

The Director General of Police
(Law & Order),
Government of Tamil Nadu,
Mylapore,
Chennai-4

.. Respondent

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondent to take lawful steps on petitioner's detailed representation dated 30.03.2011 against the police officers those who are abetting and aiding the accused persons.

For Petitioner .. Mr.T.Jaishankar

For Respondent .. Mr.R.Ramesh,A.G.P.

ORDER

The writ petition has been filed seeking for writ of mandamus to direct the respondent to take lawful steps on the representation of the petitioner dated 30.03.2011 against the police officers, those who are abetting and aiding the accused persons.

2.According to the petitioner, she has submitted a representation on 30.03.2011 against certain Police Officers, who, according to the petitioner, were abetting and aiding some accused persons. In fact, the petitioner has already moved this Court by way of filing Crl.O.P.23418 of 2009 for registering a complaint against some persons. The said Criminal Original Petition appears to have been disposed of on 30.10.2009, by directing the respondents to complete the enquiry within three weeks and proceed in accordance with Law.

3. According to the petitioner, no effective steps were taken by the Police to register the complaint and in this regard, a Contempt Petition has also been filed, in Contempt Petition No.30 of 2010. During the pendency of the Contempt Petition, the petitioner appears to have made series of complaints against certain Officers of the Police and a Sub Application was also filed for commission of perjury by Officers. Thereafter, this Court disposed of the matter by directing the Police to Register the case.

4. While things stood thus, according to the petitioner, no lawful steps were taken and the same led to the representation of the petitioner dated 30.03.2011.

5. This Court is unable to appreciate as to how a writ petition can be filed before this Court when already the petitioner has moved this Court on the criminal side and obtained certain directions. Thereafter, a Contempt Petition was also filed and the same was also adjudicated by this Court. When such is the position, this Court's jurisdiction under Article 226 of the Constitution of India cannot be simultaneously invoked on the basis of certain allegations by the petitioner against some Police Officers, which were the basis of filing of the Criminal Original Petition and the Contempt Petition before this Court. If the petitioner is not satisfied with the out come of the Criminal Original Petition and also the steps taken by the authorities concerned, it is always open to her to take appropriate action in a manner known to law and it is not certainly open to the petitioner to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

6. Even otherwise, this Court is unable to appreciate as to how such a mandamus can be issued on the basis of certain bald allegations against certain officers. The issue appears to be a dispute between the petitioner and certain officials and it also appears from certain averments contained in the affidavit that the petitioner has some axe to grind against some police officials. It also appears that the petitioner is being aggrieved by some officials, who were not obliging the request of the petitioner, for which it is not the forum for the petitioner to seek any remedies. In any case, this Court cannot entertain a private dispute between the petitioner and certain police Officials, even assuming that the petitioner has any legitimate grievance against them. In view of the same, this Court feels that the writ petition is absolutely without any merits and the same is not maintainable.

In the result, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

msk

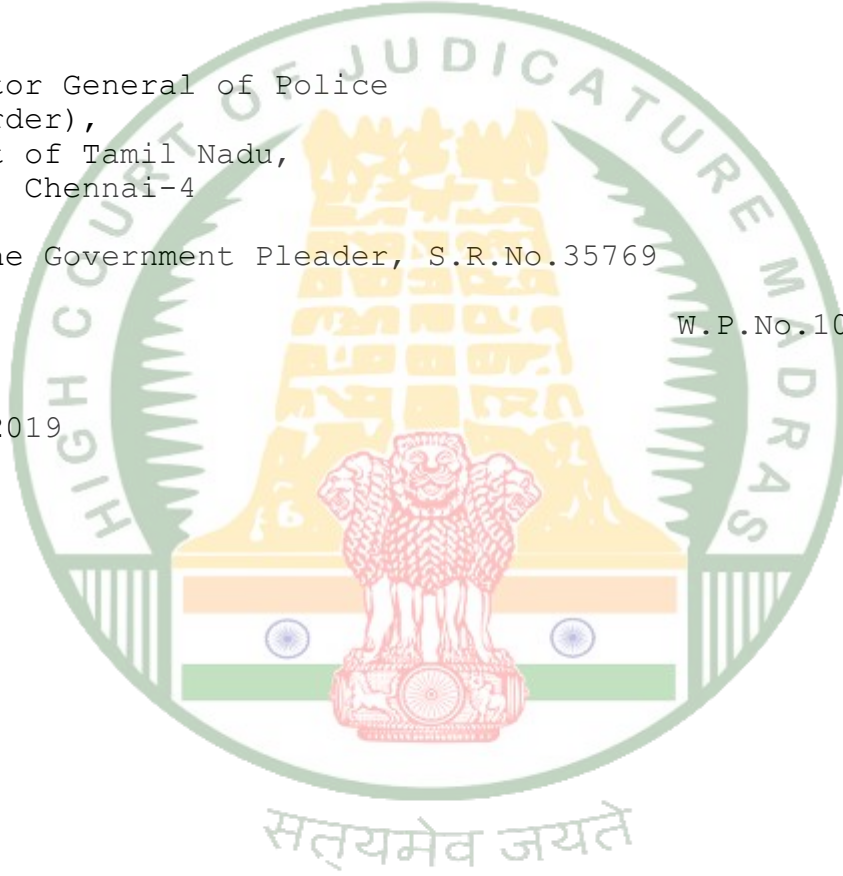
To

The Director General of Police
(Law & Order),
Government of Tamil Nadu,
Mylapore, Chennai-4

+1cc to the Government Pleader, S.R.No.35769

W.P.No.10385 of 2011

GP(CO)
CS/27/06/2019



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