

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.01.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.1375 of 2019

M.Malaviya

Vs.

.. Petitioner

1. The Director,
Government of India,
National Commission for Scheduled Castes,
Shastri Bhavan,
Block No.V, II Floor,
No.26, Haddows Road,
Nungambakkam, Chennai - 6.

2. The Secretary to Government,
Home Department,
Fort St. George,
Chennai - 600 009.

3. The Director General of Police,
(Law and Order),
Mylapore,
Chennai - 600 004.

4. The Commissioner of Police,
Azhagar Kovil Road,
Madurai City,
Madurai.

5. Sakaravarthi
The Inspector of Police,
K.Pudur,
Law and Order Police Station,
Madurai City,
(Now working as Inspector of Police,
Thallakulam (L & O), Madurai City)

6. Ponnusamy,
Head Constable No.1770,
K.Pudur,
Law and Order Police Station,
Madurai City.

.. Respondents

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to consider the petitioner's representations dated 15.03.2018, 18.05.2018 and 16.11.2018 and to inquire the same by itself or to detail any neutral agency as per the appropriate provisions of the Commissions of Inquiry Act, 1952 read with appropriate provisions of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

For Petitioner : Mr.P.Rajkumar

For R1 : Mr.J.Madhanagopal Rao
Senior Panel Counsel

For RR2 to 4 : Mr.V.Shanmugasundar
Special Government Pleader

O R D E R

By consent of both parties, this Writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner has filed this Writ Petition seeking a direction to the first respondent to consider his representations dated 15.03.2018, 18.05.2018 and 16.11.2018 and to enquire the same by itself or to direct any neutral agency as per the appropriate provisions of the Commissions of Inquiry Act, 1952 read with appropriate provisions of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. As per the representation dated 18.05.2018, it is specifically stated that the complaint is basically against the police, whereas the same police is directed to enquire into the complaint. Therefore, he has requested for appointment of an enquiry officer other than police, namely, C.B.C.I.D. or any officer of the Adi Dravidar and Tribal Welfare Department or any officer from the D.G.P. Office or any other neutral agency. In this regard, the Assistant Commissioner of Police, Anna Nagar (Law and Order), Madurai City had issued summon to the petitioner to appear on 14.05.2018 for enquiry. Though this summon was received by the petitioner, he had not appeared for the enquiry. As the complainant did not appear despite receipt of notice, the same was intimated to the first respondent vide letter in C.No.C1/26541/2018, dated 04.09.2018. It is specifically observed in the letter that the complainant has sent the petition with an intention to dilute the case registered against him in E2 Mathichiyam PS Crime No.815/2016 u/s. 294 (b), 341, 336, 353, 354, 366, 384, 307 IPC and 4 of TNPWH Act. It is also stated that there is no need for further action on this reference.

4. In fact, on 15.10.2018, the National Commission for Scheduled Castes also has sent a reply to the complainant as follows:

"Please refer to your representation dated 15.03.2018 regarding alleged negligence of duties by Inspector of Police. In this regard, a copy of the reply received from the Commissioner of Police, Madurai City, Madurai is enclosed for your information".

5. Heard the learned counsels appearing on both sides.

6. As the grievance of the petitioner has already been addressed and the petitioner deliberately had not attended the enquiry, he cannot be allowed to take advantage of his own wrong and seek for issuance of mandamus to the first respondent to consider his representation. As his grievance has already been addressed, nothing survives in this Writ Petition for adjudication.

7. With the above observations, this writ petition is dismissed. No costs.

rsi

Sd/-

Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

1. The Director,
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2. The Secretary to Government,
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3. The Director General of Police,
(Law and Order),
Mylapore, Chennai - 600 004.
4. The Commissioner of Police,
Azhagar Kovil Road,
Madurai City, Madurai.

+1cc to Mr.P.Rajkumar , Advocate SR.No. 4874

+1 CC TO GOVERNMENT PLEADER SR.NO. 5512

W.P.No.1375 of 2019

A.SK(12/02/2019)