

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.17771 of 2016
and
WMP Nos.15452 and 15453 of 2016

S. Kannan ... Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Secretary to Government,
Home Department,
Fort St. George,
Chennai - 600 009.

2. The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai - 600 004.

3. The Superintendent of police,
Dharmapuri District,
Dharmapuri - 636 701.

4. The Deputy Inspector General of Police,
Salem Range, Salem.

5. The Inspector General of Police,
West Zone, Coimbatore.

6. Ashokkumar

7. Kabilan

8. R. Singaram

9. S. Selvi

10. S. Ashokan

11. Sellappan

12. Durai

... Respondents.

Prayer : Writ petition filed under Article 226 of the
Constitution of India, to issue a writ of certiorari mandamus

calling for the records pertaining to the impugned report dated 17.10.2015 made in C.No.78/DIG/SLM-R/Camp/2015 passed by the fourth respondent to the fifth respondent quash the same and consequently direct the 2nd respondents to nominate an Officer above the rank of Superintendent of Police other than the Officer who not dealt with this subject matter of the Writ petition and direct such officer to issue notice to all concerned parties and examine as to whether the dispute falls within the domain of civil dispute and also as to whether the 7th respondent has exceeded his jurisdiction or shown undue interest or favour to some private parties on the complaint given by the 9th respondent.

For Petitioner : Mr.S. Viyakumar

For Respondents: Mr.M.Mohamed Riyaz
Additional Public Prosecutor for RR1 to 5

Mr.V.Sakrapani for - RR 8 to 12

O R D E R

This petition has been filed to quash the impugned report in C.No.78/DIG/SLM-R/Camp/2015, dated 17.10.2015 passed by the fourth respondent and for consequential direction to the 2nd respondent to nominate an Officer above the rank of Superintendent of Police with regard to the dispute arises in this petition and to ascertain jurisdiction of the same.

2. Heard the learned counsel for the petitioner; learned Additional Public Prosecutor appearing for the respondents 1 to 5 and Mr.V.Sakrapani, learned counsel appearing for the respondents 8 to 12 and perused the materials placed on record.

3. The learned Additional Public Prosecutor represented that the enquiry was conducted and a Closure Report has been filed before the learned Judicial Magistrate.

4. Under such circumstances, this petition is closed, with liberty to the petitioner to approach the learned Judicial Magistrate concerned and file a protest petition and on such petition being filed, the learned Magistrate is directed to consider the same following the law laid down by the Hon'ble Supreme Court in Vinay Tyagi Vs Irshad Ali reported in 2013 [5] SCC 762.

5. With the above direction, this petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

vsi2/ssr

To

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

2. The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai - 600 004.

3. The Superintendent of police,
Dharmapuri District,
Dharmapuri - 636 701.

4. The Deputy Inspector General of Police,
Salem Range, Salem.

5. The Inspector General of Police,
West Zone, Coimbatore.

6. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Sakkarapani, Advocate SR.No.16690

W.P.No.17771 of 2016

SS(CO)
GMY(23/04/2019)

WEB COPY