

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2019

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

WP.No.12529 of 2019

Traffic Dr.K.R.Ramaswamy ... Petitioner

vs.

State Rep. by

1. The Home Secretary,
Government of Tamilnadu,
Rajaji Road, Fort St. George,
TN Secretariat, Chennai - 600 009.
 2. The Director General of Police-Tamil Nadu,
R.K.Salai, Mylapore,
Chennai - 600 004.
 3. The Superintendent of Police,
Kancheepuram District,
Tamil Nadu,
 4. The Director - Vigilance and anti corruption,
293, MKN Rd., Collectors Nagar, Alandur,
Chennai, Tamil Nadu - 600 016.
- ... Respondents

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, directing the respondents 1 to 4 to consider the two representations, both dated 16.04.2019 sent from his end and to strictly follow the procedure in Law for recovery of stolen properties and also request the Respondent to issue circular in this regard to all of this subordinates in Tamilnadu and take serious action against the erring police officials and furnish the detailed report of such jewels recovery cases in entire Tamil Nadu for the past 10 years.

For Petitioner : Mr.K.Aravind

For Respondents : Mr.Akhil Akbar Ali
Government Advocate.

ORDER

(Order of the Court was made by SUBRAMONIUM PRASAD, J)

This Public Interest Litigation has been filed for a writ of mandamus directing the respondents to consider two representations, both dated 16.04.2019 sent by the petitioner to the respondents to follow the procedure of recovery of stolen articles and also to issue a circular.

2. A perusal of the writ petition would show that the entire writ petition is based on a solitary incident. Paragraph Nos. 8 and 10 of this writ petition reads as under

"8. I submit that recently a Sub Inspector of Police, at Guduvanchery Police Station without following rules and procedures entered into Attica Gold Private Limited, T.Nager, Chennai Branch and brought the manager of that company who is a woman belonging to the schedule caste community to the police station evening on 13.04.2019 and kept her in police station at night time against the guidelines of Supreme Court. Written statements and confessions were taken under duress. She was remanded to judicial custody on next day 14.09.2019. Most important is that she is nowhere connected with any part of the offence and yet had been remanded. She has given representation to me as for the injustice. Also obtained some jewels from the said Attica Gold Company which is unrelated to the FIR / stolen complaint of the said Guduvanchery police station. In this regard the said victim woman sent a complaint against the Sub Inspector to the higher authorities and the same is pending.

10. I humbly submit before this Hon'ble Court that police typically cannot demand the stolen jewels' cash equivalent or the ingot, and the same can be ordered by the Courts only. Compensation by taking 3rd party jewels is bad in the eyes of Law. Most importantly, the arrest in this particular case is made without informing local T.Nagar Police and the Police effecting the arrest is of another district namely Chengelpet. Due to this chain of unrelated innocent persons being targeted by the respondent police, the actual criminals who have committed the offence remain at large and repeat continuously such thefts and offence.

3. A perusal of the writ petition would indicate that the writ petition has been filed on the behest of the so called victim, who is actually an accused. Based on a solitary incident, as pointed out by the petitioner, prayer as sought for cannot be maintained.

4. As stated earlier, this writ petition is a private interest litigation. The petition have been filed on the behest of a person, whose facts are narrated in the writ petition. Two representations dated 16.04.2019 are also based on the facts, as extracted supra. There is no material to show that the police authorities are not following the procedures as laid down in law.

5. Public interest litigations are now being misused by people to meet their personal ends. This petition seems to be only an arm twisting technique by a person, who has approached through the writ petitioner and the writ petitioner has obliged the so called victim (accused) to canvass her case, since the petitioner is known as a person, who regularly files public interest litigations. The conduct of the petitioner in filing a public interest litigation to canvass a solitary case under the garb of public interest litigation, is not appreciated. The writ petition actually deserves to be dismissed with costs, but we refrain from doing so. Hence, writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Home Secretary,
Government of Tamilnadu,
Rajaji Road, Fort St. George,
TN Secretariat, Chennai - 600 009.
2. The Director General of Police-Tamil Nadu,
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3. The Superintendent of Police,
Kancheepuram District, Tamil Nadu,
4. The Director - Vigilance and anti corruption,
293, MKN Rd., Collectors Nagar, Alandur,
Chennai, Tamil Nadu - 600 016.

+1cc to Mr.K.Aravind, Advocate, S.R.No.45579
+1cc to the Government Pleader, S.R.No.46178

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RR(CO)
CS/01/07/2019