

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.05.2019

CORAM:

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

W.P.No.15156 of 2019

Mr.V.Saravanan

...Petitioner

/vs/

1.The Director General of Police,
Mylapore, Chennai - 637 004.

2.The Superintendent of Police,
Namakkal District,
Nallipalayam Post,
Namakkal Taluk & District - 637 003.

3.The Deputy Superintendent of Police,
Paramathi-Vellore Taluk,
Namakkal District,
Nallipalayam post,
Namakkal Taluk & District - 637 182.

4.Mr.Senthilkumar,
The Inspector of Police,
Paramathi Post,
Paramathi-Vellore Taluk,
Namakkal District - 637 207.

5.The Sub-Inspector of Police,
Paramathi Post,
Paramathi-Vellore Taluk,
Namakkal District - 637 207.

... Respondents

Prayer This Writ petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus or any other appropriate writ or direction in the nature of writ directing the 2nd respondent to conduct department enquiry against the 4th respondent, Mr.Senthilkumar, Inspector of Police, Paramathi-Vellore Police Station, Namakkal District for dereliction of duty to protect petitioner complaints dated 02.01.2019, 11.01.2019, 02.02.2019, 08.02.2019 and 12.02.2019

and take department action under public servant disciplinary act and rules.

For Petitioner :Mr.K.Natarajan
For Respondents:Mr.M.Elumalai,
1 to 3 & 5 Government Advocate,

O R D E R

By consent, the writ petition itself is taken up for final disposal.

2. Heard the learned counsel for the petitioner and Mr.M.Elumalai, learned Government Advocate who accepted notice for respondents 1 to 3 and 5.

3. The petitioner has filed this writ petition praying for a Writ of Mandamus directing the second respondent to conduct department enquiry against the fourth respondent, Mr.Senthilkumar, Inspector of Police, Paramathi Vellore Police Station, Namakkal District for dereliction of duty to protect petitioner complaints dated 02.01.2019, 11.01.2019, 02.02.2019, 08.02.2019 and 12.02.2019 and take department action under public servant disciplinary act and rules.

4. At the outset, I am of the view that writ petition is not maintainable. The reason is that if really if any cognizable offence is made out in the complaints given by the petitioner to the police against the 4th respondent and the same have not been acted upon, the writ petitioner has to adopt alternative method through process of law to get the complaints registered. Further, a mere allegation that the complaints given by the writ petitioner against the 4th respondent have not been acted upon, he cannot seek to issue a Writ of Mandamus, directing the 2nd respondent to conduct department enquiry against the 4th respondent for dereliction of duty. If such allegations are entertained by invoking Article 226 of the Constitution of India, no one in public office could do his duty freely. Even, if there is any deliberate inaction on the part of the police officer, such direction cannot be given. Further, the Disciplinary Proceedings can be initiated only against the officials for their misconduct. The allegation of the petitioner in the writ petition that his complaints have not been registered cannot be a ground to direct the second respondent to initiate the Disciplinary Proceedings against the 4th respondent.

5. In the result, the Writ Petition fails and the same is accordingly dismissed. No costs.

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

dpq/tsg

To

- 1.The Director General of Police,
Mylapore, Chennai - 637 004.
- 2.The Superintendent of Police,
Namakkal District,
Nallipalayam Post,
Namakkal Taluk & District - 637 003.
- 3.The Deputy Superintendent of Police,
Paramathi-Vellore Taluk,
Namakkal District,
Nallipalayam post,
Namakkal Taluk & District - 637 182.
4. The Inspector of Police,
Paramathi Post,
Paramathi-Vellore Taluk,
Namakkal District - 637 207.
- 5.The Sub-Inspector of Police,
Paramathi Post,
Paramathi-Vellore Taluk,
Namakkal District - 637 207.

+1cc to Government Pleader sr.44496

W.P.No.15156 of 2019

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