

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 23.07.2019

CORAM

THE HON'BLE MR. JUSTICE V.PARTHIBAN

Writ Petition No.21452 of 2019

V.Sakkarai

...Petitioner

Vs.

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

2.The Director General of Police,
Tamil Nadu Police Department,
Santhome High Road,
Mylapore, Chennai - 600 005.

3.Mr.Manivannan IPS,
Superintendent of Police,
Madurai District,
Madurai - 625 007.

4.Gandhi,
The then Inspector of Police,
Thirumangalam Town Police Station,
Thirumangalam, Madurai District.

5.Paulraj,

6.Palanichamy

...Respondents

Writ Petition filed under Article 226 of Constitution of India, for issuance of writ of mandamus directing the first respondent to issue necessary direction to the second respondent to take appropriate departmental action as against the 3rd and 4th respondents herein and to take appropriate action as against the

5th and 6th respondents herein on the basis of the petitioner's petition dated 09.07.2019 made to the 1st and 2nd respondents herein.

For Petitioner : Mr.K.Kannan

For Respondents: Mr.J.Pothiraj, Spl.G.P.
(for R.1 & R.2)

ORDER

The present writ petition has been filed seeking a direction to the first and second respondents to take appropriate departmental action against the 3rd and 4th respondents and in-turn, take appropriate action against the 5th and 6th respondents, on the basis of the petitioner's petition dated 09.07.2018.

2. According to the petitioner the 5th and 6th respondents are interfering with his tenancy illegally and in view of the illegal act of the 5th and 6th respondents, a complaint has been preferred to the 3rd respondent and the 3rd respondent in-turn directed the 4th respondent to conduct enquiry. However, enquiry was not conducted in order to check the illegal action by the 5th and 6th respondents. Therefore, the petitioner is before this Court.

3. From the above averments as contained in the affidavit filed in support of the writ petition, the dispute appears to be civil in nature in regard to the rights of tenancy between the petitioner and the private respondents, viz., respondents 5 & 6. In case of any illegal method being adopted by the private respondents, it is always open to the petitioner to approach the appropriate authorities for giving a complaint and in case of any civil dispute, it is always open to the petitioner to approach proper Civil Court for adjudication of the dispute. It is certainly not open to the petitioner to drag this Court into a private quarrel and expect this Court to exercise its extraordinary jurisdiction under Article 226 of the Constitution of India.

4. This Court is unable to appreciate as to how such direction could be sought in the writ petition and this Court cannot act on the basis of self serving averments of the petitioner and issue direction to the first and second respondents to take action against 3rd & 4th respondents. The entire writ petition, according to this Court, is misconceived and it is an attempt to settle a private quarrel by the

petitioner vis-a-vis the private respondents and therefore, this Court is of the considered view that the writ petition ought not to be entertained. Hence, the writ petition is dismissed. No costs.

-s/d-

Assistant Registrar (CS-I)

True Copy

Sub-Assistant Registrar

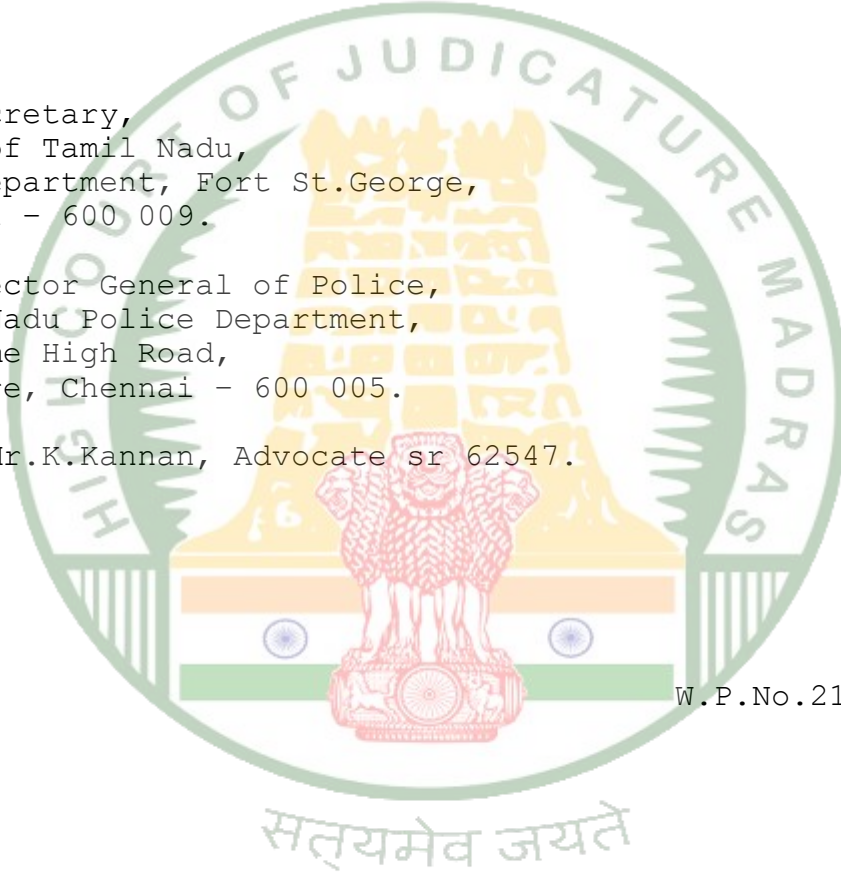
mrm/msk

To

1. The Secretary,
State of Tamil Nadu,
Home Department, Fort St. George,
Chennai - 600 009.

2. The Director General of Police,
Tamil Nadu Police Department,
Santhome High Road,
Mylapore, Chennai - 600 005.

+1 CC to Mr. K. Kannan, Advocate sr 62547.



W.P.No.21452 of 2019

RP (CO)
SP (06/08/2019)

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