



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.No.28851of 2019

S.Vallirajam

...Petitioner

Vs

1. The Commissioner of Police,
Vepery,
Periyamet,
Chennai- 600 007.
2. Thiru. Palavesam Kandha Devar,
Inspector of Police, (L&O),
J-5, Sastri Nagar Police Station,,
Besant Nagar,
Chennai- 600 090.
- 3.Mr.Malarvannan,
Sub Inspector of police,
J-5, Sastri Nagar Police Station,
Besant Nagar,
Chennai- 600 090.
- 4.Harai Sriram
- 5.Uma Ram
- 6.Ananthi Seetharaman
- 7.Ramesh Ramanathan

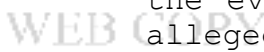
...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, or any other appropriate writ, order, directing the 1st respondent to take suitable departmental and criminal actions against the respondents 2 and 3 for having misused their Police Powers for forcibly dispossessing the petitioner from her house situated at No.20/1, 10th lane, 1st Cross Street, Shastri Nagar, Adyar, Chennai- 600 020.

For Petitioner : Mr.M.Gnanasekar

For Respondents: Mrs.Saratha Devi

Government Advocate (Criminal Side)
for R1 to R3



O R D E R

The grievance of the petitioner seems to have arisen from the eviction of the petitioner from the subject premises. It is alleged that the petitioner was forcibly evicted by certain persons with the help of police and in this connection the petitioner has given a representation on 21.09.2019, to the first respondent herein, seeking for departmental action against the police officers involved. Since the representation was not considered in time, the present writ petition has filed.

2 It is seen that the representation dated 22.09.2019 has been despatched to the Deputy Commissioner of Police and Assistant Commissioner of Police on 23.09.2019 at about 03.25p.m., and the writ petition has been filed on 25.09.2019 itself, without giving sufficient time for the police to act on the petitioner's complaint. On this ground alone, the writ petition itself cannot be maintained, since it can be said there is a dereliction of duty on the part of the higher officers, in not acting on the petitioner's complaint. Nevertheless, if the petitioner is of the view that action has to be initiated and their grievances still subsists after a reasonable time, it would be appropriate to give them liberty to make a fresh representation.

3 In the light of the above observation, the prayer sought for by the petitioner stands rejected. However, if the representation is not acted upon within a reasonable time, liberty is granted to the petitioner to make an appropriate representation to the Deputy Commissioner of Police, having jurisdiction over the second respondent police station and on receipt of such representation, the concerned Deputy Commissioner of Police, shall consider the same on its own merits and take necessary course of action if required. It is made clear that this Court has not expressed any of its view with regard to allegation made by the petitioner in the writ petition, as well as on the petitioner's representation dated 22.09.2019.

4 In view of the above, the Writ Petition stands
dismissed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar



sbn/vsn

To

WEB COPY

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Chennai- 600 007.
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3. Mr. Malarvannan,
Sub Inspector of police,
J-5, Sastri Nagar Police Station,
Besant Nagar,
Chennai- 600 090.
4. The Public Prosecutor,
High Court of Madras.

Copy to:

The Deputy Commissioner of Police,
Chennai 600 090.

+1cc to Mr. M. Gnanasekar, Advocate sr.93928

W.P.No.28851 of 2019

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nr 02/01/2020