

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.31794 of 2019

Senbagavalli

... Petitioner

Vs.

- 1.The Director General of Police,
O/o. the Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai - 600 004
- 2.The Inspector General of Police,
(North Zone) (I.G.Office),
Alandur, Chennai 600 016
- 3.The Deputy Inspector General of Police,
(Collector Office Campus),
Villupuram Range,
Villupuram Town & Taluk,
Villupuram District
- 4.The Superintendent of Police,
Cuddalore District,
Manjakuppam,
Cuddalore - 1
- 5.Ravichandran ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner's representation dated 23.06.2019 to take action against the fifth respondent including for departmental action and other appropriate legal proceedings within a stipulated period.

For Petitioner : Mr.G.Anarayachozhan

For R1 to R4 : Mr.A.N.Thambidurai,
Special Government Pleader

O R D E R

By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2.The case of the petitioner is that the petitioner filed a complaint before the fifth respondent with regard to land

grabbing as against the accused persons therein. Initially the fifth respondent refused to register the complaint given by the petitioner and thereafter the petitioner approached this Court by way of petition under Section 482 Cr.P.C. After intervention of this Court, FIR was registered against the accused persons and thereafter the fifth respondent was not taking any action for proper investigation. Aggrieved by the inaction of the fifth respondent, the petitioner approached this Court in Crl.O.P.No.22353 of 2019 for transfer of investigation from the fifth respondent to the Inspector of Police, CBCID, Cuddalore District and the same was disposed of. However the prayer of the petitioner was rejected by this Court and direction was issued to the fifth respondent to continue with the investigation and the investigation shall be monitored by the Additional Superintendent of Police, Virudhachalam and the investigation shall be completed within a period four months. While being so, he made a representation to the Station House Officer, Mangalampettai Police Station for claiming certain documents, but incorrect particulars were given under RTI and thereafter the petitioner made representation for taking disciplinary action against the fifth respondent for his inaction, but the same has not been considered. Hence, the present writ petition has been filed.

3.The learned counsel appearing for the petitioner submits that though this Court issued direction to the fifth respondent to continue with the investigation and also directed the Additional Superintendent of Police, Virudhachalam to monitor the investigation, however the investigation was not conducted properly and incorrect particulars were given to the petitioner. Hence, it is necessary to issue a direction to the fourth respondent for taking proper action.

4.Considering the facts and circumstances of the case, for the very same issue already the petitioner approached this Court in Crl.O.P.No.22353 of 2019 for transfer of investigation from the fifth respondent to the Inspector of Police, CBCID, Cuddalore District and this Court by order dated 21.08.2019 issued direction to the fifth respondent to continue with the investigation and also issued direction to the Additional Superintendent of Police, Virudhachalam to monitor the same. While being so, another prayer with regard to taking action against the fifth respondent at the instigation of the petitioner cannot be granted on simple ground that already this Court issued direction to the fifth respondent to conclude the investigation and further order of this Court for taking disciplinary action will amount to undermining the order of this Court in Crl.O.P.22353 of 2019 on 21.08.2019.

5.Hence, I am not inclined to issue direction to the respondents 1 to 4. Accordingly the writ petition is

dismissed. However, this Order will not stand in the way of the petitioner to work out the remedy in the manner known to law. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Director General of Police,
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- 4.The Superintendent of Police,
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Manjakuppam,
Cuddalore - 1

+1 cc to Government Pleader Sr.No. 94619

+1cc to Mr.G.Anarayachozhan , Advocate SR.No. 95049

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A.SK(18/12/2019)

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