



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.20440 of 2015

P.Ramaiah

... Petitioner

Vs.

1.The Home Secretary,
Government of Tamil Nadu,
Secretariat,
Fort Saint George,
Chennai-600 009.

2.The Director General of Police,
Police Head Quarters,
Kamarajar Salai,
Mylappore,
Chennai-600 004.

3.The Commissioner of Police,
Police Commissioner Office,
Trichy-1.

4.Mr.A.Gnanasekar,
Inspector of Police,
Palakkarai Police Station,
Trichy.

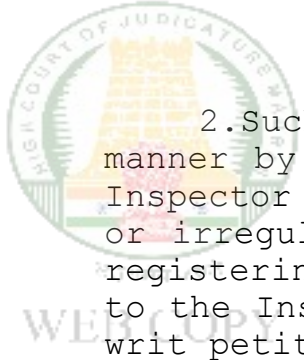
... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to take disciplinary action against Mr.A.Gnanasekar, Inspector of Police, now at Palakkarai Police Station for his failure of discharging his official duties as per the petition, dated 08.09.2015.

For Petitioner	: Mr.S.Radhakrishnan
For R1 to R3	: Mr.K.Mu.Muthu Additional Government Pleader
For R4	: Mr.G.Thiruvarutselvam

ORDER

The relief sought for in this writ petition is to direct the respondents 1 to 3 to take disciplinary action against the fourth respondent Mr.A.Gnanasekar, Inspector of Police, now at Palakkarai Police Station for his failure of discharging his official duties as per the petition, dated 08.09.2015.



2. Such a writ petition cannot be entertained in a routine manner by the High Courts in the absence of establishing that the Inspector of Police/public servant has committed certain illegality or irregularity or violations of the procedures to be adopted for registering the case. Mere submission of the complaint or petition to the Inspector of Police cannot constitute a ground for moving a writ petition for direction to initiate disciplinary action against the public servant. No public servant can be made to work under threat. Public servants are bound to discharge their duties and responsibilities without any fear or favour. The police officer on receipt of a complaint must look into the facts and circumstances and initiate proper action by following the procedures contemplated under law. Under these circumstances, in the event of producing any incriminating evidence that some harm was committed against the complainant or the complaint was not dealt with in accordance with law, then alone a case would arise for the purpose of moving the writ petition and not otherwise.

3. The learned counsel appearing on behalf of the writ petitioner states that false cases were registered against the writ petitioner. The same would not provide any cause for moving the present writ petition. If at all the writ petitioner is of the opinion that false cases were registered, it is left open to the petitioner to approach the competent court of law for redressal of his grievance and contrarily, he cannot file the writ petition for direction to initiate disciplinary action against the Inspector of Police.

4. The counter affidavit filed by the third respondent/Commissioner of Police, Trichy City states that the writ petitioner has suppressed the material particulars in respect of the complaint. The actions taken by the Inspector of Police also had been narrated in paragraph 5 of the counter, which is extracted hereunder:-

"5.... The petitioner did not attend the enquiry held on 08.09.2015 and did not produce any documents in support of his contentions made in his complaint. Thereafter another summon under Sec.91 Cr.P.C., was issued to the petitioner herein to attend the hearing on 11.10.2015 in Palakkarai Police Station, Trichy. The petitioner has not attended the enquiry and never cared to send any reply. As per the instructions of this Hon'ble high Court in CrI.O.P (MD) No.17390/2015, report regarding disposal of the petition was sent to the petitioner on 26.10.2015. No other petition was given by the petitioner before the fourth respondent."

5. The complaint is in relation to the affairs of TELC and there are large number of litigations are pending between the office bearers and other persons connected with the TELC. In paragraph 6 details of cases are narrated as under:-

"A) Cr.O.P. (MD) No.22400 of 2014



- B) Contempt Petition No.2715/2013
C) Civil Appeal No.8458/2014 before the Hon'ble Supreme Court.
D) C.R.P(MD) No.2385 and 2386 of 2010 on 14.10.2010.
E) W.P(MD) No.598 of 2014.
F) W.P(MD) No.20440 of 2015
G) C.R.P(MD) No.2385 and 2386 of 2010 on 14.10.2010
Contempt Petition No.2715 of 2013
Sub Application No.420 of 2014 on 27.08.2014
H) LPA No.3 of 2014
I) Sub-application No.420 of 2014
J) Contempt Petition No.2715 of 2013
Hon'ble Supreme Court Civil Appeal No.8458 of 2014
K) City Civil Court Chennai in O.S.6140 of 2014.
L) O.S.181 of 2014 was filed before the District Judge
Trichy I.A.No.72 of 2014."

6. This being the facts and circumstances of this case, this Court is of the considered opinion that the Inspector of Police cannot be held responsible for any such lapse, negligence or dereliction of duty. However, the writ petitioner is at liberty to institute appropriate proceedings in respect of his complaint alone and not against the Inspector of Police.

7. Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(T & P)

// True Copy //

Sub Assistant Registrar(CS)

am

To

1. The Home Secretary,
Government of Tamil Nadu,
Secretariat,
Fort Saint George,
Chennai-600 009.
2. The Director General of Police,
Police Head Quarters,
Kamarajar Salai,
Mylappore,
Chennai-600 004.



3.The Commissioner of Police,
Police Commissioner Office,
Trichy-1.

WEB COPY

+1CC TO MR.G.THIRUVARUTSELVAN, Advocate Sr. No.71424
+1CC TO MR.S.RADHAKRISHNAN, Advocate Sr. No.71289
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 71536

W.P. (MD) No.20440 of 2015
25.06.2019

NR(CO)
TR (16.07.2019) 4P 7C