



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.[MD]No.9699 of 2014

and

M.P(MD) Nos.1 and 2 of 2014

Hayar Nisha

: Petitioner

Vs.

1.State representation through the
Home Secretary,
St. George Fort,
Secretariat, Chennai-600 009.

2.The Director General of Police,
O/o. Director General of Police,
Beach Road, Chennai.

3.The Superintendent of Police,
O/o. the Superintendent of Police,
Kanyakumari.

4.The Inspector of Police,
Thakkalai Police Station,
Thakkalai, Kanyakumari.

5.Sujith Anand

6.Arjunan

7.Sankar

8.Bensham

9.Manikandan

: Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents Nos.1 to 3 to take appropriate actions against the respondents Nos.5 to 9 by considering the petitioner's representation dated 28.10.2013.

For Petitioner

: Mr.S.M.A.Jinnah

For R-1 to R-4

: Mr.A.Robinson.
Government Advocate

**ORDER**

The petitioner, who is the mother of one Althab, filed this writ petition for a writ of mandamus directing the respondents 1 to 3 to take appropriate action against the respondents 5 to 9 by considering the petitioner's representation dated 28.10.2013.

2. In the representation dated 28.10.2013, the petitioner has made the averments as against certain Police Officers of Thakkalai Police station that they are harassing her and searching her house and also abusing her and she wants to take appropriate action against the concerned police officers, who have entered upon her house and harassed her.

3. The third respondent police has filed a counter affidavit, wherein it is stated that the representation dated 28.10.2013 of the petitioner was forwarded to the Deputy Superintendent of Police, Thakkalai Sub-Division at Thakkalai, Kanyakumari District for his enquiry and summons for the personal appearance of the petitioner for enquiry was issued on her, through a police personnel of Thakkalai Police Station. But the petitioner has refused to receive the summons, saying that without the consent of her Advocate, she could not receive the summon. So, the Deputy Superintendent of Police could not proceed with the enquiry and hence, closed the representation and filed a report to that effect. It is also stated that the locality of the petitioner is a sensitive religious area of Thiruvithancode. Several occurrences were taken place between the Muslims and the Hindus in the near past. One among the occurrence was taken place on 26.10.2013 and a case in Crime No.792 of 2013 was registered under Sections 147, 148, 341, 294(b), 324, 307, 506 (ii) IPC.

4. In view of the specific stand taken by the respondent police, I am not inclined to grant the relief sought for in this writ petition. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Home Secretary,
St. George Fort,
Secretariat, Chennai-600 009.

2. The Director General of Police,
<https://hcservices.ecourts.gov.in/hcservices/>
O/o. Director General of Police,
Beach Road, Chennai.



3.The Superintendent of Police,
O/o. the Superintendent of Police,
Kanyakumari.

4.The Inspector of Police,
Thakkalai Police Station,
Thakkalai, Kanyakumari.

+1CC TO Mr.S.M.A.Jinnah, Advocate, SR No.53168

W.P.[MD]No.9699 of 2014

and

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11.03.2019

cp/sji

KK/04.04.2019/3P.6C