



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.(MD).No.14942 of 2017

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J.Arun @ Arunpandiyan

... Petitioner

vs.

- 1) The Home Secretary,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai.
- 2) The Director General of Police,
Office of the Director General of Police,
Beach Road,
Chennai.
- 3) The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City.
- 4) Balasubramanian
- 5) Pethuraj
- 6) Vanakkam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus by directing the respondents 1 to 3 to conduct detailed enquiry on the basis of the petitioner's representation dated 11.07.2017 and consequently to initiate necessary action against the respondent nos.4 & 5 for misusing their official power in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.S.Malaikani

For RR 1 to 3 : Mr.S.Chandrasekar

Additional Public Prosecutor

O R D E R

This writ petition has been filed seeking for a direction to the respondents 1 to 3 to take action against the respondents 4 & 5 based on the representation given by the petitioner dated 11.07.2017.

2. The grievance of the petitioner is that, while he was travelling in his two wheeler, he was intercepted by the fourth



respondent and he was illegally taken away and his bike was also seized. The fifth respondent also joined on the way and ultimately, the petitioner was harassed by the fourth and fifth respondents. Therefore, a representation was made to the higher officials to conduct an enquiry and to take action against the respondents 4 & 5.

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3. The learned counsel for the petitioner submitted that the respondents 4 & 5 misused their official power and had illegally detained the petitioner and seized his vehicle and had foisted a false case, as if, the petitioner drove the two wheeler under the influence of alcohol. Therefore, the learned counsel submitted that direction can be given to the higher officials to conduct an enquiry and to take action against the fourth and fifth respondents.

4. The learned Additional Public Prosecutor on instructions submitted that the Assistant Commissioner of Police, Thallakulam has conducted an enquiry and has found during the enquiry that, the petitioner was driving his two wheeler in a reckless manner and was causing hindrance to the traffic. He was intercepted and it was found that he was in an inebriated state and he has consumed alcohol. The petitioner was taken to the Government Rajaji Hospital and the Medical Officer also certified that the petitioner has consumed alcohol. The petitioner was directed to pay spot fine and he refused to pay the same. Therefore, a false representation has been made by the petitioner.

5. Taking into consideration the facts and circumstances of the case, this Court is not in a position to give any direction as sought for by the petitioner as the case involves disputed facts. Hence, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (writs)

// True Copy //

Sub Assistant Registrar (CS)

To

- 1) The Home Secretary,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai.
- 2) The Director General of Police,
Office of the Director General of Police,
Beach Road,
Chennai.



3) The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City.

Order made in
W.P. (MD) .No.14942 of 2017
Dated:04.10.2019

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MK (23.10.2019) 3P 4C