



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.03.2019**

WEB COPY

**CORAM:
THE HONOURABLE MR.JUSTICE B.PUGALENDHI
W.P.[MD]No.20318 of 2013**

C.Arivuselvi : Petitioner

Vs.

1. The Superintendent of Police,
Thanjavur District,
Thanjavur.
2. The Inspector of police (L&O),
Taluk Police Station,
Kumbakonam,
Thanjavur District.

3. Sankar : Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent to take action against respondents 2 and 3 in accordance with law on the petitioner's representation dated 10.08.2013.

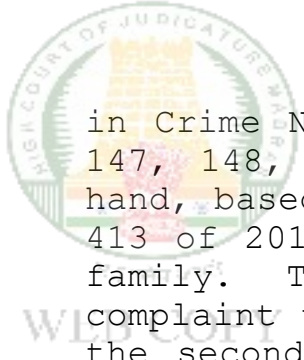
For Petitioner : Mr.T.Antony Arul Raj

For R-1 and R-2 : Mr.A.Robinson.
Government Advocate

ORDER

This writ petition has been filed by the petitioner seeking a writ of mandamus directing the first respondent to take action against the respondents 2 and 3 by considering her representation dated 10.08.2013.

2.According to the petitioner, a long pending enmity is prevailing between their family and the third respondent's family right from the year 1982. The third respondent's brother's wife, one Geetharani, became the Panchayat president and with her influence, the third respondent started harassing the petitioner and her family. On 19.09.2013, at about 10.00 am, the police came to the petitioner's house and brutally attacked her father, who is aged about 80 years. In this regard, a case has been registered



in Crime No.421 of 2013 for minor offences, i.e., under Sections 147, 148, 294(b), 324, 323 and 427 IPC. Whereas, on the other hand, based on a counter complaint, two cases in crime Nos.412 and 413 of 2013 came to be registered against the petitioner and her family. The grievance of the petitioner is that when she sent a complaint to the second respondent police through registered post, the second respondent refused to receive the registered post and therefore, the same was returned with an endorsement 'refused'. Therefore, the petitioner has made a representation to the first respondent for taking necessary action against the respondents 2 and 3 and alleging inaction on the part of the first respondent, the petitioner has approached this Court by way of present writ petition.

3. Heard the learned counsel on either side and perused the documents placed on record.

4. It appears that a case and case in counter were registered and pending as against the parties. Though this Court is not inclined to entertain this petition seeking a direction for considering the representation, the conduct of the second respondent police in refusing to receive the complaint sent by registered post, if found to be true, has to be deprecated. If the second respondent police refused to receive the complaint and attempted to act in a biased manner, then necessarily action has to be initiated against the erring official.

5. In such view of the matter, the first respondent is directed to consider the representation of the petitioner dated 10.08.2013 and to find out whether the Officers of the second respondent police station acted in a biased manner and to take appropriate action, in accordance with law. Due to paucity of time, the petitioner is also directed to submit a fresh representation along with a copy of the earlier representation dated 10.08.2013 as well as the returned cover to the first respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the first respondent shall proceed further within a period of four weeks thereafter.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)



To தலைவர்

1. The Superintendent of Police,
Thanjavur District, Thanjavur.
2. The Inspector of police (L&O),
Taluk Police Station,
Kumbakonam, Thanjavur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

W.P. [MD] No. 20318 of 2013

BUC (26/06/2019) 3P/4C