

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2020

CORAM

THE HONOURABLE THIRU JUSTICE V. PARTHIBAN

W.P.No.8125 of 2020

R.Balasubramanian

...Petitioner

Vs.

1.The Inspector General of Police
Central Range, Kaja Malai Colony
Edamalai Patti Pudur, Trichy.

2.The Superintendent of Police
Ariyalur District, Ariyalur.

3.Mr.R.Rajakumar, The Inspector of
Police, Sendurai Police Station,
Ariyalur District, Ariyalur.

4.Mr.M.Subramaniam
The Sub Inspector of Police
Ariyalur District, Ariyalur.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 1st respondent to initiate appropriate action based on the complaint of the petitioner dated 29.02.2020 within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.E.P.Balasubramanian

For Respondents : Mr.P.S.Sivashanmugha Sundaram,
Spl.G.P.

ORDER

The matter is taken up through web hearing.

2.The writ petition is filed seeking the following prayer:

"to direct the 1st respondent to initiate appropriate action based on the complaint of the petitioner dated 29.02.2020 within the time stipulated by this Court".

3.The case of the petitioner is that the Electricity Department, despite his strong objections, was attempting to put up an electricity post near his residence. The petitioner, being a visually impaired person, taking advantage of his disability, a neighbour was using his influence to have the post erected near the petitioner's residence, endangering the lives of the petitioner and his family members.

4.In regard to his grievance, the petitioner appears to have approached this Court in W.P.No.31693 of 2016. The writ petition was disposed of on 28.02.2019, directing the Electricity Board to consider the objections of the petitioner as well as the private respondent, on whose influence the electricity pole was directed to be erected.

5.From the averments, it is seen that the objection was submitted to the Board by the petitioner. However, without passing any orders on the objections, the officials of the Electricity Board, suddenly on 29.02.2020, erected cement electrical post and gave electricity connection to the nearby residence, with the help of the respondent police. According to the petitioner, he was prevented from raising protest at the time of erection of the post. In the said circumstances, he is now before this Court seeking direction to the higher police officials viz., respondents 1 and 2, to initiate action against the third and fourth respondent for committing contempt of Court in aiding the officials of the Electricity Board in erecting the concrete pole.

6.This Court is unable to appreciate as to how such a direction could be issued against the police officials, when the controversial Electricity poles were erected by the Electricity Department. Whether the officials of the Electricity Department committed any contempt or not, no way the police officials could be dragged into such controversy. It is always the duty of the police personnel to assist the officials of the Government in execution of their duties and in discharge of their functions. Therefore, by no stretch of legal standard, such police officials could be subjected to any action.

7.In any event, it is always open to the petitioner to work out his remedies in a manner known to law against the officials of the Electricity Board, if they had committed any violation while erecting the Electrical Pole near his residence.

8.The writ petition is therefore misconceived and cannot be maintained against the respondents herein. Hence the same is dismissed. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

msk/kst

To

- 1.The Inspector General of Police
Central Range, Kaja Malai Colony
Edamalai Patti Pudur, Trichy.
- 2.The Superintendent of Police
Ariyalur District, Ariyalur.
- 3.The Inspector of
Police, Sendurai Police Station,
Ariyalur District, Ariyalur.
- 4.The Sub Inspector of Police
Ariyalur District, Ariyalur.

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VG II(CO)
KKV/13/08/2020

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