

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.26723 and 28223 of 2017
& W.M.P.No.30343 of 2017

K.Thilagavathi,
W/o Late K.Kailasam,
Flat No.A-22,
Yamuna Homes,
Parameswari Nagar,
4th Street, Adyar,
Chennai - 600 020.

... Petitioner in
W.P.No.26723 of 2017

K.Maiyyan
S/o Kalia Pillai
A-22, Yamuna Homes, Parameswari Nagar
4th St, Adyar, Madras - 20.

... Petitioner in
W.P.No.28223 of 2017

Vs.

1. State of Tamil Nadu,
Rep. By Secretary to Government,
Home Department,
Fort, St. George, Chennai - 9.
2. The Commissioner of Police,
Office of the Commissioner,
Vepery, Chennai - 7.
3. The Deputy Commissioner of Police,
Adyar Circle,
Adyar, Chennai - 20.
4. The Inspector of Police (L&O),
J-5, Shastrinagar Police Station,
Besant Nagar, Chennai - 90.
5. K.Maiyyan,
No.73, Kilpauk Garden Road,
Kilpauk, Chennai - 10.

... Respondents in
W.P.No.26723 of 2017

1. The Commissioner of Police
Chennai - 7.
2. The Inspector of Police
J.5, Shastri Nagar Police Station
Chennai - 90.
3. Vimala Dharmalingam
W/o Dharmalingam
4. Dharmalingam
both are residing at A-17 & A-18
Yamuna Homes, Parameswari nagar
4th St, Adyar, Chennai - 20
5. Thilagavathy
W/o Kailasam
6. Prasad
S/o Kailasam
both are residing at Gundalamaduvu Village
Pappereddipatti, Dharmapuri District. ... Respondents in
W.P.No.28223 of 2017

PRAYER in W.P.No.26723 of 2017: This Writ Petition has been filed under Article 226 of the Constitution of India for a Writ of Mandamus directing the respondents 1 to 4 to provide necessary police protection to the petitioner herein in terms of orders dated 18.02.2016 passed by this Court in O.A.No.769 of 2012 in C.S.No.209/2002 by taking appropriate action on the petitioner's complaints / representations dated 13.09.2017, 27.09.2017 and 07.10.2017 made against the 5th respondent.

PRAYER in W.P.No.28223 of 2017: This Writ Petition has been filed under Article 226 of the Constitution of India for a Writ of Mandamus directing the 1st respondent to initiate suitable action under the Tamil Nadu Government Servants Conduct Rules, Police Standing Orders as well as under the Criminal Law, against the 2nd respondent, on the basis of the petitioner's representation dated 05.10.2017 for the gross misconduct and failure to discharge his (2nd respondent's) statutory duties and obligations as required under law in a fair and proper manner and for communicating to petitioner utter falsehood under Ref.ID 1741251 for refusing to take action on the petitioner's complaint dt.10.09.2017.

W.P.No.26723 of 2017

For Petitioner : Mr.K.Annadurai

For Respondents : Mr.K.Prabakar,
1 to 4 Additional Public Prosecutor

For 5th Respondent : No Appearance

W.P.No.28223 of 2017

For Petitioner : Mr.P.Mohanraj

For Respondents : Mr.K.Prabakar,
1 & 2 Additional Public Prosecutor

For Respondents : Mr.Thirumavalavan
3 & 4

For 5th Respondent : Mr.K.Annadurai

COMMON ORDER

Seeking a direction to the respondents 1 to 4 to provide necessary police protection to the petitioner herein in terms of orders dated 18.02.2016 passed by this Court in O.A.No.769 of 2012 in C.S.No.209/2002 by taking appropriate action on the petitioner's complaints / representations dated 13.09.2017, 27.09.2017 and 07.10.2017 made against the 5th respondent, the petitioner is before this Court with this Writ Petition in W.P.No.26723 of 2017.

Seeking a direction to the 1st respondent to initiate suitable action under the Tamil Nadu Government Servants Conduct Rules, Police Standing Orders as well as under the Criminal Law, against the 2nd respondent, on the basis of the petitioner's representation dated 05.10.2017 for the gross misconduct and failure to discharge his (2nd respondent's) statutory duties and obligations as required under law in a fair and proper manner and for communicating to petitioner utter falsehood under Ref.ID 174121 for refusing to take action on the petitioner's complaint dt.10.09.2017, the petitioner is before this Court with this Writ Petition in W.P.No.28223 of 2017.

2.Heard both sides.

3.It is seen from the records that in both the Writ Petitions the complaint is of the year 2017 and therefore, after a period of three years, now the police protection on the basis of the complaint lodged in the year 2017, cannot be considered. However, the petitioners are at liberty to file fresh complaint with fresh cause of action.

4. With the above liberty to the petitioners, the writ petitions are disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
Home Department,
Fort, St. George, Chennai - 9.
2. The Commissioner of Police,
Office of the Commissioner,
Vepery, Chennai - 7.
3. The Deputy Commissioner of Police,
Adyar Circle,
Adyar, Chennai - 20.
4. The Inspector of Police (L&O),
J-5, Shastrinagar Police Station,
Besant Nagar, Chennai - 90.

W.P.Nos.26723 and 28223 of 2017

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