



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2020

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THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P. (MD)No. 1618 of 2020

Samayaselvam

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Home Department, Fort. St. George,
Chennai - 600 009.
 2. The Director General of Police,
Office of the Director General of Police,
Beach Road, Chennai.
 3. The Commissioner Police,
Office of the Commissioner of Police,
Madurai.
 4. The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Thilagar Thidal, Madurai.
 5. The Inspector of Police,
Thilagar Thidal Police Station,
Madurai District.
 6. Flower Sheela,
The Inspector of Police,
Thilagar Thidal Police Station,
Madurai District.
 7. Kumari,
The Inspector of Police,
Thilagar Thidal Police Station,
Madurai District.
- ... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondent No.1 to 3 to take action against the respondent Nos.6 and 7 for the misuse of their power on the basis of the petitioner representation dated 02.01.2020 in accordance with law.

For Petitioner : M/s.R.Alagumani

For Respondents : Mrs.S.Bharathi,
Government Advocate (Crl.side)



ORDER

This writ petition has been filed to direct the respondent Nos.1 to 3 to take action against the respondent Nos.6 and 7 for the misuse of their power, on the basis of the petitioner representation, dated 02.01.2020 in accordance with law.

2. It is the grievance of the petitioner is that he has submitted a representation, dated 02.01.2020 to the Chairperson, State Human Rights Commission, third respondent and other higher officials to take action against the respondent Nos. 6 & 7, which has not been considered by the respondents till date and therefore, he has filed the present writ petition.

3. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

4. In view of the limited prayer sought for in this writ petition and without going into the merits of the case, there shall be a direction to the third respondent to consider the petitioner's representation dated 02.01.2020 on its own merits and take further action in accordance with law, within a period of **Eight Weeks** from the date of receipt of a copy of this order. Such an exercise shall be done after giving due opportunity to the petitioner and to the rival parties if any.

5. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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To

1. The Principal Secretary to Government,
Home Department, Fort. St. George,
Chennai - 600 009.

2. The Director General of Police,
Office of the Director General of Police,
Beach Road, Chennai.

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

4. The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Thilagar Thidal, Madurai.

5. The Inspector of Police,
Thilagar Thidal Police Station,
Madurai District.

6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.R.ALAGUMANI, Advocate (SR-3498[F] dated 28/01/2020)

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28.01.2020

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