



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 18.02.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

WEB COPY

WP. (MD)No.3204 of 2020

and

WMP. (MD)No.2728 of 2020

S.Rameshkannan

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi District, Thoothukudi.

2.Krishnakumar

3.The Inspector of Police,
South Police Station,
Thoothukudi, Thoothukudi District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent to consider the petitioner's representation, dated 28.01.2020 and direct the first respondent to initiate departmental proceedings against the second respondent for his misuse of power vested to him.

For Petitioner : Mr.V.Rajiv Rufus
For R1 and R3 : Mrs.S.Bharathi
Government Advocate (Crl. side)

O R D E R

This writ petition has been filed seeking for a direction to the first respondent to consider the petitioner's representation, dated 28.01.2020 and direct the first respondent to initiate departmental proceedings against the second respondent for his misuse of power vested to him.

2.Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the

<https://hcservices.ecourts.gov.in/hcservices/>



respondents 1 and 3.

3.It is the case of the petitioner that he had given a complaint against one Ganeshkumar and the employees of HDFC Bank with regard to the harassing. Based on the complaint given by the petitioner, enquiry was initiated in CSR No.53 of 2020 and the petitioner was called for enquiry on 27.01.2020. When the petitioner had gone to the enquiry on 27.01.2020, the second respondent had abused him and assaulted him. The second respondent without conducting the enquiry in a proper manner acted in a partisan manner and obtained a counter complaint from the accused persons and thereafter, compelled the petitioner to go for a compromise and forcefully obtained a letter of undertaking from him. Immediately on the next day i.e., on 28.01.2020, the petitioner had sent a detailed representation seeking to initiate departmental proceedings against the second respondent for his misuse of power wielded on the petitioner. Since no action has been taken, the present writ petition has been filed.

4.This Court has not expressed any of 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.

5.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 first respondent to consider the representation of the petitioner dated 28.01.2020 and pass orders on its own merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6.With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sj i



To

1.The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi District, Thoothukudi.

2.The Inspector of Police,
South Police Station,
Thoothukudi, Thoothukudi District.

+1 CC to M/s.V.RAJIV RUFUS, Advocate (SR-6912[F] dated 18/02/2020)

WP.(MD)No.3204 of 2020
18.02.2020

KK/11.03.2020/ 3P- 4C