



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.02.2020

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THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

W.P. (MD) No. 3747 of 2020

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G. Rajkumar @ Kodiyanukulam Kumar

... Petitioner

Vs.

1. The Secretary,
Home Department,
Government of Tamilnadu,
Secretariat, Chennai - 600 009.

2. The Director General of Police,
Tamil Nadu Police Department,
Kamarajar Salai,
Chennai - 600 004.

3. The Inspector General of Police,
South Zone, Inspector General of Police Office,
Madurai.

4. The Director,
National Commission for Scheduled Castes,
Chennai.

5. The Commissioner of Police,
Tirunelveli City,
Tirunelveli District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the Respondent Nos.1 to 3 to conduct a detailed enquiry based on a false report given by the 5th Respondent in Cr.No.G5/18978/18, dated 09.08.2018 and to take a departmental action as against the respondent Nos.4 and 5 based on the petitioner's representation, dated 06.01.2020.

For Petitioner : Mr.M.Murugesan

For R-1, 2, 3 & 5 : Mrs. S.Bharathi
Government Advocate(Crl.Side)

For R-4 : Mr. R. Murugappan,
Central Government Standing Counsel

ORDER

This writ petition has been filed seeking direction to the Respondent Nos.1 to 3 to conduct a detailed enquiry based on a false report given by the 5th Respondent in Cr.No.G5/18978/18, dated 09.08.2018 and to take a departmental action as against the respondent Nos.4 and 5 based on the petitioner's representation, dated 06.01.2020.



2. It is the grievance of the petitioner that he had given a representation, dated 13.03.2018 to the fourth respondent seeking protection of police personnel with arms. The fourth respondent/National Commission for Scheduled Castes had forwarded the aforesaid petitioner's representation to the fifth respondent/Tirunelveli City Commissioner of Police for further action and the fifth respondent has forwarded a false report to the fourth respondent stating that the petitioner is involved in 15-Criminal Cases. Based on which, the fourth respondent had disposed the representation of the petitioner, dated 13.03.2018. Thereby, the present petition is filed seeking to direct the respondent Nos.1 to 3 to take departmental action against the respondent Nos.4 & 5.

3. The learned counsel appearing for the petitioner would submit that the fifth respondent has given a false report alleging that the petitioner is involved in 15-criminal cases, based on which the fourth respondent has disposed the petitioner's representation, thereby, the writ petition is filed seeking direction to conduct a detailed enquiry against the respondent Nos. 4 & 5.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the petitioner is involved in 15-criminal cases and thereby the fifth respondent has sent the report based on available materials. The list of cases in which the petitioner is involved is furnished by the respondents.

5. The Central Government Standing Counsel appearing for the fourth respondent would submit that the fourth respondent is a statutory body and based on the report forwarded by the fifth respondent, the representation of the petitioner, dated 13.03.2018 has been closed. The Writ Petition seeking to take departmental action against the fourth respondent cannot be maintained. The respondents 1 to 3 cannot be directed to take action against the 4th respondent.

6. Heard the counsels. Perused the materials.

7. The petitioner is said to have been involved in 15cases. The 5th respondent in the course of his duty has sent the report as called for by the 4th respondent. Placing reliance on the report, the 4th respondent has closed the representation of the petitioner dated 13.02.2018. The 4th respondent is a statutory body. A writ of mandamus to direct the respondents 1 to 3 to take departmental action against 4th and 5th respondent, in the opinion of this Court is not maintainable.

8. In view of the submissions made on either side, this Court is of the opinion that the writ petition is not maintainable and the same is liable to be dismissed.



9. Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar ()

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Sub Assistant Registrar(CS)

To

1. The Secretary,
Home Department,
Government of Tamilnadu,
Secretariat, Chennai - 600 009.
 2. The Director General of Police,
Tamil Nadu Police Department,
Kamarajar Salai,
Chennai - 600 004.
 3. The Inspector General of Police,
South Zone,
Inspector General of Police Office,
Madurai.
 4. The Director,
National Commission for Scheduled Castes,
Chennai.
 5. The Commissioner of Police,
Tirunelveli City, Tirunelveli District.
 6. Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1 CC to M/s.R.CHANDRAKUMAR, Advocate (SR-8221[F] dated 25/02/2020)
- +1 CC to M/s.R.MURUGAPPAN, Advocate (SR-8192[F] dated 25/02/2020)

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