



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD)No.4482 of 2020

Asha Dayana

... Petitioner

Vs

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Superintendent of Police,
Kanyakumari District,
Nagercoil.
- 3.The Inspector of Police,
Kaliyakkavilai Police Station,
Kaliyakkavilai,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent herein to conduct enquiry through Revenue Divisional Officer as per the representation of the petitioner dated 13.12.2019.

For Petitioner : Ms.S.Prabha

For Respondents : Mr.A.Robinson
Govt. Advocate (Crl. Side)

ORDER

The petitioner is the former president of Savari Kalai Vilai Town Panchant. Her allegation is that on 04.12.2019 at about 07.00 p.m., the Inspector of Police, Kaliyakkavilai Police Station entered her house along with a team of police personnel. She would allege that Mrs.Anthoniammal, Inspector of Police abused her and also stamped on her knee. The petitioner gave a complaint dated 13.12.2019 before the District Collector, Kanyakumari. Since no action was taken, this writ petition came to be filed. The petitioner wants an enquiry to be conducted by the Revenue Divisional Officer on her representation.



2.Heard the learned counsel appearing for the petitioner and she reiterated the contentions set out in the affidavit filed in support of the writ petition.

3.The learned Government Advocate (Crl. Side) submitted that the petitioner's husband is having as many as 25 cases. Out of them, two are under Section 302 of I.P.C. Of course, five cases ended in acquittal and he was convicted in one case. The petitioner's husband is figuring in the local history sheet list. One serious case of job racketing is also pending against him.

4.The specific contention of the learned Government Advocate (Crl. Side) is that the Revenue Divisional Officer enquiry will be conducted only when serious allegations of police torture or custodial violence is made. In the case on hand, the concerned police party had gone to the house of the petitioner to make search and seizure. This is because in Crime No.187 of 2019 registered on the file Kaliyakkavilai Police Station, a specific allegation had been made that the amount involved in the job racketing was paid in the house of the petitioner. Therefore the search made by the police party cannot be said to be illegal. It is quite possible that the petitioner had resisted the search and seizure. Therefore, the Inspector of Police could have also employed a mild force. Even according to the petitioner, she did not suffer any fracture. She appears to have been admitted in hospital for only one day. I am of the view that in a case of this nature, no enquiry by the Revenue Divisional Officer is warranted. It is of course open to the petitioner herein to pursue her other remedies available in law.

5.Giving such liberty to the petitioner herein, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (crl side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Ias

To:

1.The District Collector,
Kanyakumari District,
Nagercoil.



2.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

3.The Inspector of Police,
Kaliyakkavilai Police Station,
Kaliyakkavilai, Kanyakumari District.

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

W.P. (MD) No. 4482 of 2020
03.03.2020

VB(16.03.2020) 3P 5C