



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. 21521 of 2019

V. Sakkarai

... Petitioner

Vs.

1. The Inspector of Police,
South Zone, Madurai.

2. The Superintendent of Police,
Madurai District, Madurai.

3. The Inspector of Police
Thirumangalam Town Police Station,
Thirumangalam, Madurai District.

4. Rajamani,
Inspector of Police
Thirumangalam Town Police Station,
Thirumangalam, Madurai District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a **Writ of Mandamus**, to direct the 1st respondent herein to issue necessary direction to the 3rd respondent to take appropriate action on petitioner's complaint dated 14/09/2019 made to the 3rd respondent by following the observation made in Writ Appeal No.2279/2019 dated 22.08.2019 by the Principal Seat of Madras High Court, based on the petitioner's representation made to the 1st respondent dated 03.10.2019.

For Petitioner : Mr.K. Kannan

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

For R-4 : Mr.G. Sakthi Rao

For Proposed impleading respondent : Mr.S. Arun Nithy
for M/s. Veera Associates



ORDER

This writ petition has been filed seeking direction to the 1st respondent to issue necessary direction to the 3rd respondent to take appropriate action of petitioner's complaint, dated 14/09/2019 made to the 3rd respondent by following the observation made in Writ Appeal No.2279 of 2019 dated 22.08.2019 of this Court, based on the petitioner's representation made to the 1st respondent dated 03.10.2019.

2. It is the contention of the petitioner that he had sent a representation, dated 04.07.2015 to the respondents to take departmental action against police personnel. Since no action was taken the petitioner had filed W.P. No.21452 of 2019 before the Principal Bench seeking for a Writ of Mandamus. The Single Judge of this Court dismissed the writ petition and thereby, the petitioner had also filed W.A. No. 2779 of 2019 and this Court while confirming the order of dismissal of the single Judge had by order dated 22.08.2019 directed that in case a complaint is made which makes out a case for taking action against the accused, necessarily the jurisdictional police should look into the complaint and take action in accordance with law. Subsequently, the petitioner has filed a representation, dated 14.09.2019, since no action was taken the instant writ petition has been filed.

3. Today, when the matter is taken up for hearing, the respondent police have filed a status report, wherein, it has been referred as is follows:

" It is submitted that a complaint was given by the petitioner on 14.09.2019 to this respondent. Immediately, on 16.09.2019 as per the direction of the order passed in W.A. No.2779 of 2019, a notice was issued to the accused Palraj and Palanisamy and one Elango Velrajan, Advocate to appear for enquiry on 20.09.2019 at about 10.00am before this respondent and the same was issued to the accused. They had also appeared for enquiry on 20.09.2019 and given a statement and the same was recorded by this respondent. Further, it is stated that the petitioner herein has also made a representation along with supporting documents to this respondent on 15.10.2019 and the investigation is pending for enquiry. This respondent has followed the due process of law and issues summons to all accused and recorded their statements. Since, the enquiry has to be conducted and witnesses has to be examined the investigation lacks some time to complete. Even, the



petitioner has given his representation on 15.10.2019 along with supporting documents for enquiry. Further, it is stated that the Petition have filed in CSR No.24 of 2020 on 17.01.2020 and the further investigation is pending".

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4. The learned Government Advocate (crl. Side) appearing for the respondent police would submit that based on a complaint given by the petitioner an enquiry has been initiated in CSR No. 24 of 2020, dated 17.01.2020 and the enquiry is going on. She would further submit that the respondent police would complete the enquiry and file final report, within a period of Two Months.

5. Accordingly, the respondent police is directed to complete the enquiry and file final report, within a period of Two Months from the date of receipt of a copy of the order.

6. With the above directions, the instant Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

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Sub Assistant Registrar (CS)

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To

1. The Inspector of Police,
South Zone, Madurai.
2. The Superintendent of Police,
Madurai District, Madurai.
3. The Inspector of Police
Thirumangalam Town Police Station,
Thirumangalam, Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



W.P.(MD)No. 21521 of 2019

+1 CC to M/s.K.KANNAN, Advocate (SR-8228[F] dated 25/02/2020)

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-8565[F] dated
26/02/2020)

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