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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 14343 of 2011

R.Sivasubramaniam

...Petitioner

Vs

1. The Secretary to Government,
Home Department, Fort St. George,
Chennai -9.
2. The Inspector General of Police,
Mylapore, Chennai -4.
3. The Deputy Inspector General of Police,
Coimbatore Range,
Coimbatore.
4. The Superintendent of Police,
Tiruppur District,
Tiruppur.
5. The Superintendent of Police,
Karur District, Karur.
6. R.Amsaveni,
Sub Inspector of Police,
District Crime Records Branch,
Collectorate, Karur.

(Former Sub Inspector of Police,
Komaralingam Police Station,
Madathukulam Taluk,Tiruppur District.)

7. A.Thulasimani,

...Respondents

PRAYER: Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents 1 to 5 to sanction the compensation amount to the tune of Rs.25/- Lakhs to the petitioner for the illegal arrest made by the 6th respondent on 23.08.2007.



Police authorities are also exceeding their powers. However, an enquiry must be conducted for initiation of appropriate actions in respect of such allegations raised against the Public authorities.

6. The Executives and the Uniformed personnel are expected to perform their duties vigilantly and by following the procedures as contemplated under Law. While performing their official duties, it is necessary that an amount of fairness and transparency is required. Thus, the authorities must exercise the powers by adopting the procedures in order to avoid all such controversies and allegations from the persons, who all are booked for various offences or otherwise.

7. The Public authorities and their level of performance of the public duties are to be protected. Equally, rights of the citizen also to be protected. Thus, the competent authorities are expected to conduct an enquiry and form an opinion in respect of such allegations raised against the Public authorities on performance of their duties. High Court is also expected to exercise restraint in entertaining such writ petitions, where there is no scope for adjudications in a writ proceedings under Article 226 of the Constitution of India.

8. The power of Judicial review under Article 226 of the Constitution of India is to scrutinize the processes, through which, a decision is taken by the competent authorities in consonance with the procedures established under law, but not the decision itself.

9. All these kind of controversies aroused in view of the fact that, on some occasions, the police authorities are entertaining the civil natured disputes between the parties and there are allegations that the police officials on extraneous consideration, is supporting either of the parties and attempting to settle the issues between the parties, which is beyond the scope of the power conferred under the Statue.

10. The Police officials are not expected to adjudicate the civil disputes between the parties on receipt of any complaint and after conducting preliminary enquiry, if the authorities could able to form an opinion that the complaint is of civil nature, then the parties must be advised to approach the competent Civil Court of law for redressal of their grievances. However, in few cases, the Police authorities are conducting the enquiry of civil disputes between the parties in Police Station, which cause lot of problems and complaints are also filed against the Police authorities and in some cases, the Police authorities are attempting to extend their support to either of the party on extraneous consideration. All these aspects are to be looked into by the higher officials on receipt of any such complaints or allegations and initiate all appropriate actions.



11. In view of the facts and circumstances, the petitioner has not established any acceptable ground for the purpose of considering the relief as such sought for and consequently, the Writ Petition stands dismissed. No costs.

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Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

Jeni/Nti

To

1. The Secretary to Government,
Home Department, Fort St. George,
Chennai -9.
2. The Inspector General of Police,
Mylapore, Chennai -4.
3. The Deputy Inspector General of Police,
Coimbatore RAnge, Coimbatore.
4. The Superintendent of Police,
Tiruppur District, Tiruppur.
5. The Superintendent of Police,
Karur District, Karur.

+1cc to Mr.Prakasam, Advocate, S.R.No.60531

+1cc to Mr.Devaraj, Advocate, S.R.No.60742

+1cc to the Government Pleader, S.R.No.61110

W.P.No. 14343 of 2011

MG(CO)
RGA(08/12/2021)