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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.30478 of 2016

and

W.M.P.No.26422 of 2016

Smt.P.Vijayalakshmi

...Petitioner

Vs

1. The Home Secretary,
Government of Tamil Nadu, Fort St. George,
Chennai-600 009.
2. The Director General of Police,
Office of the Director General of Police,
Dr.Radhakrishnan Road,
Mylapore,
Chennai-600 004.
3. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai-600 007.
4. The Deputy Commissioner of Police,
Madhavaram,
Chennai-600 060.
5. The Assistant Commissioner of Police,
Madhavaram, Chennai-600 060.
6. The Inspector of Police,
M-1, Madhavaram Police Station,
Madhavaram,
Chennai-600 060.
7. Mr.Hemachalam



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8. Mr. Jayasubramaniam

Working as the Assistant Commissioner of Police,
Madhavaram,
Chennai-600 060.

9. Mr. Karthikeyan

Working as the Sub Inspector of Police,
M-1, Madhavaram Police Station,
Madhavaram,
Chennai-600 060.

10. Mr. Sermugapandian

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 3 herein to conduct a detailed enquiry into the complaints dated 24.04.2016 and 02.06.2016 of the petitioner and consequently take suitable departmental action as against the 8th and 9th respondents for the illegalities and dereliction of duties committed by them.

For Petitioner : Mr. N. Nithianandam

For Respondents : Mr. K. M. D. Muhilan

Government Advocate

[For R1 to R6]

O R D E R

The writ on hand has been instituted to direct the respondents 1 and 3 to conduct a detailed enquiry into the complaints dated 24.04.2016 and 02.06.2016 of the petitioner and take suitable departmental action against the 8th and 9th respondents.

2. The 8th respondent was working as Assistant Commissioner of Police during the year 2016. The 9th respondent was Sub-Inspector of Police. The complaint dated 24.04.2016 and 02.06.2016 reveals that the petitioner raised an allegation of harassment on account of the alleged Katta Panchayat conducted by the Police authorities in Madhavaram Police Station and further, an allegation of demand of money from the petitioner. The petitioner has raised certain specific allegations by narrating certain incidents.



3. The learned counsel for the petitioner reiterated that the petitioner was repeatedly dragged to the Police Station and made her to wait for an indefinite duration without any authority. The rights of the petitioner being a women was infringed due to the conduct of the Station officials and therefore, the petitioner was constrained to move the present writ petition.

4. The learned counsel for the petitioner made a submission that her relative and some local politicians taking note of her property and with an idea to grab her valuable property, started troubling her. This resulted in developing dispute between the parties. The Police officials made an attempt to settle the issues by conducting Katta Panchayat and at this juncture, the petitioner made complaints against the respondents. About five years lapsed, the parties are now living in peace.

5. The learned Government Advocate appearing on behalf of the respondents made a submission that the complaints submitted by the petitioner were looked into and an enquiry was conducted by the Assistant Commissioner of Police and found that there were certain disputes between the private parties. The Assistant Commissioner of Police traced out certin civil disputes were existing and accordingly, asked them to resolve the civil disputes through the competent Civil Court of law. The complainant and the opposite parties were also given a statement that they will resolve the disputes by approaching the competent Civil Court of law. Thus, the complaints were closed.

6. With reference to the allegations against the Police authorities, an enquiry was proposed to be conducted. Ultimately, the authorities could able to form an opinion that Civil dispute exists between the parties.

7. It is brought to the notice of this Court that the officials against whom, the allegations are raised in the writ petition, are not working as of now in Madhavaram Police Station. The new Police officials took charge and Mr.K.Kaliraj, Inspector of Police, (Law and Order), M1-Madhavaram Police Station, Chennai - 600 060 is also present before this Court. On instructions from the Inspector of Police, the learned Government Advocate appearing on behalf of the respondents state



that only in the event of receiving complaint, enquiry is being conducted to find out the truth and Police authorities have not indulged in settling the civil disputes between the parties.

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8. This Court is of the considered opinion that rights of the parties are to be respected. Equally, citizen also has got right to respond to the legal actions, if any initiated by the statutory competent authorities. Rights and duties are corresponding and without performing duties, right cannot be claimed. Thus, while performing the statutory duties, the authorities must be permitted to perform the same in a legal manner and the persons concerned are bound to co-operate for culling out the truth for the purpose of initiating further action. This being the principles to be followed, the rights of the petitioner should be respected by the officials and the petitioner is also duty bound to perform her duties in the manner known to law, in the event of any enquiry or otherwise. A balanced approach in this regard are of paramount importance and public servants are having onerous duty of protecting the rights of the citizen and therefore, this court has no hesitation in forming an opinion that parties will hereafter restrain themselves from facing unnecessary allegations and in respect of Civil disputes, they are at liberty to resolve the same in the manner known to law by approaching the competent Civil Court of Law.

9. With these observations, the writ petition stands disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VII)

// True Copy //

Sub Assistant Registrar

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To

1. The Home Secretary,
Government of Tamil Nadu, Fort St. George,
Chennai-600 009.



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2. The Director General of Police,
Office of The Director General of Police,
Dr.Radhakrishnan Road,
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3. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai-600 007.

4. The Deputy Commissioner of Police,
Madhavaram,
Chennai-600 060.

5. The Assistant Commissioner of Police,
Madhavaram ,
Chennai-600 060.

6. The Inspector of Police,
M-1, Madhavaram Police Station,
Madhavaram,
Chennai-600 060.

+1CC to The Government Pleader, SR.No. 55909

W.P.No.30478 of 2016

GSM(CO)

B.VC (08/11/2021)