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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.35638 of 2019

P.Arivoli

... Petitioner

Vs.

1.The Director General of Police
Dr. Radhakrishnan Salai,
Mylapore, Chennai.

2. The Superintendent of Police,
Nagapattinam & District.

3. The Inspector of Police,
Thalainaiyuru Police Station,
Nagapattinam District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents and in particularly second and third respondents to remove the impugned History Sheet No. 157 of 2019 on the file of the third respondent.

For Petitioner : M/s.P.Vijendran

For Respondents : Mr.C.E.Pratap
Government Advocate (Crl. Side)

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents and in particularly second and third respondents to remove the impugned History Sheet No. 157 of 2019 on the file of the third respondent.



2.The case of the petitioner is that the petitioner is residing at Santhana Theru, Thalaingaiyuru, Vedharanyam TK, Nagapattinam District and had completed M.Sc., B.Ed., M.Phil, DML, DSHI and running his life smoothly. The Gaja cyclone was occurred at Vedharanyam and Thalaingaiyuru and affected the day today life of the people. The petitioner and his friends taken earnest steps to protect the people who are affected by Gaja cyclone and the reliefs granted by the Government was not properly distributed by the law enforcing agency. Thereby the petitioner and his friends assembled together and made demand to provide immediate relief to them. The protest was happened in the Thalaingaiyuru bus stand and the same was restricted by the Investigation Officer. Thereafter the case in Cr.No.137 of 2018 was registered and subsequently several F.I.R. were registered against the innocent people who assembled in the bus stand seeking necessary relief. Inorder to wreck vengeance, the law enforcing agency registered case on almost all the youngsters who were residing in the Thalaingaiyuru area and opened history sheet. In order to remove the history sheet, the petitioner made representation dated 02.12.2019 to the respondents and since there is no action, has filed this writ petition.

3.The learned counsel appearing for the petitioner would submit that the procedure for creating history sheet is provided in the Police Standing Orders. Only if a person continuously disturbs the peace and tranquility in the locality, history sheet will be opened inorder to prevent the illegalities in the locality. In the present case, the petitioner and his friends made peaceful protest and except this case, there is no other case registered as against the petitioner and his friends. Hence, this Court may issue direction to the second respondent to consider the representation of the petitioner in consonance with the Police Standing Orders by reviewing the history sheet which will adversely affect the future of the Thalaingaiyuru area youngsters.

4.The learned Government Advocate (Crl. Side) submitted that except this case, there is no other case pending as against the petitioner.

5.In view of the above, this Court directs the second respondent to consider the representation of the petitioner dated 02.12.2019 seeking removal of history sheet and pass appropriate orders in accordance with law and standing order, within a period of six weeks from the date of receipt of a copy of this order.



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6.The writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sma/pri

To

1. The Director General of Police
Dr. Radhakrishnan Salai,
Mylapore, Chennai.
2. The Superintendent of Police,
Nagapattinam & District.
3. The Inspector of Police,
Thalainaiyuru Police Station,
Nagapattinam District.

+1cc to Mr.P.Vijendran, Advocate Sr.44962

W.P.No.35638 of 2019

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srg 06/10/2021