



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.1998 of 2021

and W.M.P. (MD).No.1701 of 2021

WEB COPY

N.Shanmugalakshmi

...Petitioner

Vs.

1.The Deputy Inspector General of Police,
Dindigul Range, Dindigul.

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

3.The Additional Superintendent of Police,
Crime against Women and Children,
Theni District.

4.The Deputy Superintendent of Police,
Bodi Sub Division, Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 to defer to all further proceedings in connection with Tha.Pa.No.74/2019 on the file of the respondent NO.1 dated 02.12.2019, till the conclusion of the criminal trial in C.C.No.45/2020 on the file of the Judicial Magistrate, Vadipatti in Crime No.150 of 2019 on the file of the Kadupatty Police Station, Madurai.

For Petitioner : Mr.R.Venkatesan

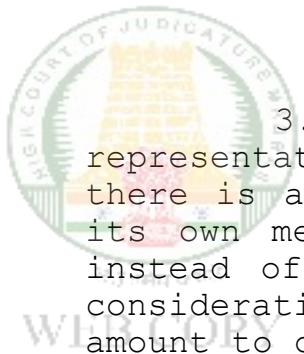
For Respondents : Mr.P.Mahendran

Additional Government Pleader

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.Since the petitioner's request to the respondents to defer all further proceedings in connection with Tha.Pa.No.74/2019 on the file of the respondent NO.1 dated 02.12.2019, till the conclusion of the criminal trial in C.C.No.45/2020 on the file of the Judicial Magistrate, Vadipatti in Crime No.150 of 2019 on the file of the Kadupatty Police Station, Madurai, was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 27.01.2021, which is still pending.



3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, it would be appropriate to direct the second respondent herein to consider the petitioner's representation dated 27.01.2021, within a stipulated time and thereby the ends of justice could be secured. It is made clear that this Court has not expressed any of its view with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the second respondent to consider the petitioner's representation dated 27.01.2021, on its own merits and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

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/ /2021

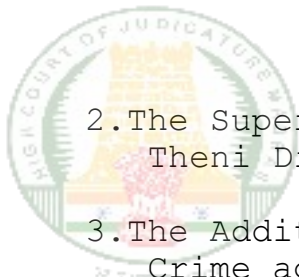
Sub Assistant Registrar(CS)

TM

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Deputy Inspector General of Police,
Dindigul Range, Dindigul.



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

3.The Additional Superintendent of Police,
Crime against Women and Children,
Theni District.

4.The Deputy Superintendent of Police,
Bodi Sub Division, Theni District.

+1 CC to M/s.R.VENKATESAN, Advocate (SR-3600[F] dated 05/02/2021)

W.P. (MD) No.1998 of 2021

05.02.2021

(MA) CO

AP(24/02/2021) 3P 6C