



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2021

CORAM :

THE HONOURABLE **Mr. JUSTICE G.ILANGO VAN**

W.P.(MD)No.7823 of 2021

Balamurugan @ Abdul Raheem

... Petitioner

Vs.

1. The Superintendent of Police,
Tuticorin District Police Office,
Tuticorin.

2. The Deputy Superintendent of Police,
Tuticorin,
Tuticorin District.

3. The Inspector of Police,
Thalamuthunagar Police Station,
Tuticorin District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to remove the petitioner's name from the History Sheet in H.S.No.20/1996 (Rowdy List) in the 3rd Respondent Police Station on the basis of the Petitioner's representation dated 14.10.2020.

For Petitioner : Mr.S.Sadeskumar

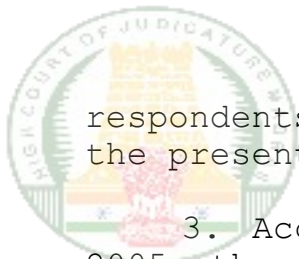
For Respondents : Mr.S.Bharathi

Government Advocate (Crl.Side)

ORDER

The petition is filed seeking a direction to the respondents to consider the representation dated 14.10.2020 and pass orders on merits.

2. The case of the petitioner is that he is doing business for the past 22 years. The third respondent has affixed the petitioner's name with photo in the Notice board under the heading of "Rowdy List". He would further submit that the 3rd respondent has included the name of the petitioner in the rowdy list, which has spoiled the petitioner's reputation not only among the petitioner's family members but also in the Society. The petitioner has sent the representation dated 14.10.2020 to the respondents and the same was received by the respondent Police. Even after the same, the



respondents are acting like a silent spectator in this issue. Hence the present Writ Petition is filed.

3. According to the learned counsel for the petitioner after 2005, the petitioner is not involved in any offence and no cases are pending against him. In spite of that, his name has not been removed from the history sheet. Hence, the petitioner has sent a representation dated 14.10.2020.

4. The learned Public Prosecutor would submit that based upon the representation made by the petitioner, the authorities, in the light of the guidelines issued in the following cases; **(i) Sabari @ Sabarigiri Vs. Assistant Commissioner of Police, Annanagar (L&O) Range, Madurai City, Madurai and Others reported in 2018 4 MLJ (Crl) 585 (ii) Thirumurugan Vs. The Superintendent of Police, Madurai District reported in 2020 (2) LW(Crl)-266**, will consider the same. There may be a direction to the authorities to consider the petitioner's representation.

5. In the light of the submission made by the learned Public Prosecutor, there shall be a direction to the authorities to consider the representation of the petitioner dated 14.10.2020 and pass orders on merits within eight weeks from the date of receipt of a copy of this order.

6. With these directions, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

kmm

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 Superintendent of Police,
Tuticorin District Police Office,
Tuticorin.



2. The Deputy Superintendent of Police,
Tuticorin,
Tuticorin District.

3. The Inspector of Police,
Thalamuthunagar Police Station,
Tuticorin District.

+1 CC to M/s.S.SADESKUMAR, Advocate (SR-16083[F] dated 16/04/2021)

W.P. (MD)No.7823 of 2021
15.04.2021

mj (CO)
TR(25.06.2021) 3P 5C