



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.16522 OF 2012

M/s.Aditya Foundation,
Rep. by its Proprietor
Mr.A.Sampathraj,
608/511, Anna Salai,
Teynampet,
Chennai - 600 018.

...Petitioner

Vs

1.The Commissioner of Police,
Egmore, Chennai - 600 008.

2.The Director General of Police,
Dr.Radhakrishnan Road,
Chennai - 600 004.

3.The Secretary,
Home Department,
Secretariat, Chennai - 600 009.

4.Mr.G.K.Venkat Kumar

5.The Director,
Vigilance and Anti Corruption,
P.S.Kumarasamy Raja Salai,
Chennai - 600 028.

6.The Assistant Commissioner of Police,
S-5, Pallavaram Police Station,
Pallavaram, Chennai - 600 043.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1, 2, 3, 5 & 6 to consider and pass order on the petition dated 13.06.2012 given by the petitioner for taking appropriate action against the 4th respondent i.e. Mr.G.K.Venkat Kumar, the Inspector of Police, Law & Order, S-5, Pallavaram Police Station, Pallavaram, Chennai - 600 043 for disciplinary action for misusing office in accordance with law.



WEB COPY

For Petitioners : Mr.M.Vijayakumar
For R1 to R3 : Mr.E.Veda Bagath Singh, Spl. GP
For R4 : Mr.R.Saseetharan

ORDER

With the consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner herein had given a representation to the respondents 1 to 3, 5 and 6 on 13.06.2012 to initiate disciplinary action against the fourth respondent herein. Since the said representation was not considered, the present writ petition has been filed.

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, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 13.06.2012 on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner as well as the fourth respondent herein, as expeditiously as possible. It is made clear that this Court has not expressed any of its views 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. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS-VI)

// True Copy //

Sub Assistant Registrar

hvk



To

1.The Commissioner of Police,
Egmore, Chennai - 600 008.

2.The Director General of Police,
Dr.Radhakrishnan Road,
Chennai - 600 004.

3.The Secretary,
Home Department,
Secretariat, Chennai - 600 009.

4.The Director,
Vigilance and Anti Corruption,
P.S.Kumarasamy Raja Salai,
Chennai - 600 028.

5.The Assistant Commissioner of Police,
S-5, Pallavaram Police Station,
Pallavaram, Chennai - 600 043.

+1cc to Mr.R.Saseetharan, Advocate Sr.No.14283

+1cc to Mr.M.Vijayakumar, Advocate Sr.No.15112

+1cc to the Government Pleader Sr.No.15063

W.P.No.16522 of 2012

RSI (CO)
RVM(18/03/2022)