



WEB COPY



W.P.No.9532 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2022

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.9532 of 2014
WMP.Nos.1 of 2014 & 33828 of 2019

John Britto Joseph,

...Petitioner

Vs.

- 1.State of Tamil Nadu,
Rep. by its Secretary to Government,
Home Department,
Fort St. George,
Chennai-09
- 2.The Director General of Police,
State of Tamil Nadu,
Chennai-04
- 3.A.Alexander Mohan,
(Formerly Inspector General of Police,
Central Zone, Trichy),
No.3/102, "A" Block, Porur Square,
Chettiyar Agaram Rad, Porur,
Chennai-116
- 4.Mr.T.Alagesan,
Deputy Superintendent of Police,
Jeeyapuram Division,
Tirichrappalli Division,
Trichrappalli District.
- 5.Inspector of Police,
Perambalur Police Station,
Perambalur Police Station, Perambalur



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6.The Deputy Superintendent of Police,
Jeeyapuram Divsiion, Trichrappalli District,
(R6 impleaded vide order of this Court
dated 15.11.2019)

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to pay the compensation of Rs.1 Crore (One crore) to the petitioner for the illegal abduction unlawful arrest and illegal detention of the petitioner for the period from 14.01.2013 to 18.01.2013 in a case registered in Cr.No.24 of 2013 on the file of the 5th respondent which was later referred as “mistake of fact”.

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.B.Vijay [R1, R2 & R5]
Additional Government Pleader
Mr.D.Veerasekaran [R4]
: No appearance for R3

ORDER

The petitioner seeks a mandamus directing the respondents to pay a compensation of Rs.1 crore to the petitioner for the illegal abduction, unlawful arrest and illegal detention of the petitioner for the period from 14.01.2013 to 18.01.2013. Case Crime No.24 of 2013, as against the petitioner had been pending on the file of the 5th respondent i.e. Inspector of



Police, Perambalur Police Station, Perambalur which came to be closed on the ground of 'mistake of fact'.

2. The entirety of the narration proceeds on various factual aspects and this Court sitting under Article 226 of the Constitution of India is not in a position to look into and decide the veracity or otherwise of the allegations made.

3. Counters have been filed by R5 and R7, wherein the allegations levelled have been denied. Luckily for the petitioner, he has made representations before R1 and R2, being the Secretary to Government, Home Department/R1 and the Director General of Police/R2 respectively on 07.03.2014 and learned Additional Government pleader appearing for the respondents would accede to the receipt of such representations.

4. In such circumstances, he would suggest that the first respondent may be directed to look into the representation and pass orders, in accordance with law and I accept this request. In light of the discussion as above, mandamus is issued to R1 to hear the petitioner, obtain necessary inputs by R2, the Director General of Police, State of Tamil Nadu and pass orders on the representation of the petitioner dated 07.03.2014, within a period of eight weeks from date of receipt of a copy of this order.



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5. This writ petition is disposed in the aforesaid terms. No costs.

Connected miscellaneous petitions are closed.

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Index : Yes/No

Speaking Order/Non speaking Order

To

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- 4.Inspector of Police,
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Perambalur Police Station, Perambalur
- 5.The Deputy Superintendent of Police,
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DR.ANITA SUMANTH,J.
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