



W.P(MD)No.14830 of 2012

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.08.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.14830 of 2012

C.Lingaraja

... Petitioner

Vs.

1.The Superintendent of Police,
Nagercoil,
Kanyakumari District.

2.The Inspector of Police,
Eathamozhy Police Station,
Eathamozhy,
Kanyakumari District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first and second respondents to delete the petitioner name from the History Sheet on the file of the second respondent.

For Petitioner : Mr.B.Brijesh Kishore

For Respondents : Mr.N.Muthuvijayan
Special Government Pleader



W.P(MD)No.14830 of 2012

WEB COPY

ORDER

The present writ petition has been filed seeking a writ of Mandamus, directing the respondents 1 and 2 to delete his name from the History Sheet on the file of the second respondent.

2. According to the petitioner, he is running a business in the name and style of Coconut Bit Products. The Inspector of Police/second respondent came to the house of the petitioner on 18.08.2011 and illegally trespassed into the house. When his wife questioning the same, the said person abused her in a filthy language by using her caste name and they unlawfully took away the amount to the tune of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) from the petitioner's house. Due to some enmity, the second respondent has opened a History Sheet as against the petitioner on 29.08.2011 in H.S.No.273 of 2011. Though the respondents are under a statutory duty to continuously monitor the petitioner and decide the issue of discontinuance of the History Sheet or retention of the History Sheet in the month of January of every year, the same has not been done in the present case. Mechanically, the second respondent is continuing with the History Sheet as against the writ



W.P(MD)No.14830 of 2012

petitioner.

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3. The learned counsel for the petitioner has further contended that the said discontinuance or the retention of the History Sheet as against the petitioner should be by way of speaking order by Deputy Superintendent of Police or by the first respondent in the month of January every year. However, without any orders from the said authorities, the second respondent is continuing with the history sheet as against the writ petitioner. Hence, he has sought for Mandamus to delete his name from the history sheet.

4. The learned counsel for the petitioner has also relied upon the Police Standing Order No.751 to contend that unless specific orders are obtained from the Deputy Superintendent of Police or from the higher officials for every English calendar year, the history sheet cannot be extended.

5. Per contra, the learned Special Government Pleader for the respondents had contended that the petitioner is a habitual offender and he is addicted to crime. The second respondent has filed a report,



W.P(MD)No.14830 of 2012

indicating that at least nine cases are pending against the writ petitioner.

Out of the said nine cases, three of them are pending even as on today.

Hence, he has contended that the petitioner being a habitual offender and at least two cases have been registered as against the petitioner in the year 2013 and another two cases have been registered as against the petitioner in the year 2009. This will clearly disclose that the petitioner is in the habit of committing offences and he is addicted to crime. Only because of the above said facts, the History Sheet as against the petitioner is being retained continuously. Hence, he prayed for dismissal of the writ petition.

6. I have carefully considered the submissions made on either side.

7. It is not in dispute that the History Sheet has opened as against the writ petitioner by an order, dated 29.08.2011 in H.S.No.273 of 2011.

P.S.O.No.751 is extracted as follows:

“PSO 751.Period of retention of History Sheets of suspects.

History Sheets of suspects shall be maintained from the date of registration upto the end of December after



W.P(MD)No.14830 of 2012

which the orders of an Officer of and above the rank of Assistant Superintendents of Police/Deputy Superintendent of Police as to their discontinuance, or retention for a further period from January to december where necessary shall be obtained.”

8. In view of the Police Standing Order, the Deputy Superintendent of Police or the first respondent herein has to monitor the said History Sheet and unless a reasoned order is being passed by them, the History Sheet cannot be continued beyond every English year. In the month of January every year, unless the first respondent or the concerned Deputy Superintendent of Police passes a reasoned order, the said History Sheet cannot be continued as against the petitioner.

9. A perusal of the case details furnished by the second respondent on 25.07.2022 indicates that after 2019, no cases have been registered as against the writ petitioner. Hence, the first respondent herein is directed to consider the representation given by the petitioner on 20.10.2012 and pass orders in the light of P.S.O.No.751 within a period of twelve (12) weeks from the date of receipt of a copy of this order. The first respondent shall keep in mind that History Sheet cannot be mechanically



W.P(MD)No.14830 of 2012

extended unless some reasons are assigned for continuing the History Sheet beyond every English year.

10. With the abovesaid observations, this Writ Petition stands allowed. No costs.

04.08.2022

Index : Yes / No
Internet : Yes / No
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To

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Kanyakumari District.

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Eathamozhy Police Station,
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W.P(MD)No.14830 of 2012

R.VIJAYAKUMAR ,J.

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Order made in
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