



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 09.03.2022

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No. 4146 of 2022

Jesus Antony Xavier

.. Petitioner

Vs.

1. The Superintendent of Police
Thoothukudi District
Thoothukudi

2. Paul Loos
Inspector of Police
Thattarmadam Police Station
Thoothukudi District

3. Rajesh
Constable of Police (Writer)
DSP Office, Sathankulam
Thoothukudi District

4. Pension
Sub Inspector of Police
Thattarmadam Police Station
Thoothukudi District

5. Suresh

6. Suba Cristy @ Suba Cristy Ponmalar

..Respondents

Prayer : This petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the first respondent to take appropriate action as against the respondents 2 to 4 for the act of misusing their official by considering the petitioner's representation dated 27.02.2022 within a stipulated period.

For Petitioner	: Mr.J.David Ganesan
For Respondents	: Mr.R.M.Anbunithi
No.1	Additional Public Prosecutor

ORDER

This Petition has been filed to direct the first respondent to take appropriate action as against the respondents 2 to 4 for the act of misusing their official capacity by considering the petitioner's representation dated 27.02.2022 within a stipulated period.



2. It is the grievance of the petitioner that his representation dated 27.02.2022 has not been considered by the first respondent till date and therefore, he has filed the present writ petition.

3. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

4. In view of the limited prayer sought for in this writ petition, there shall be a direction to the first respondent to consider the petitioner's representation dated 27.02.2022 on its own merits and take further action in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Such an exercise shall be done after giving due opportunity to the petitioner as well as to the persons who may be interested in the subject property.

5. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To
The Superintendent of Police
Thoothukudi District
Thoothukudi

2. The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.J.DAVID GANESAN, Advocate (SR-11291[F] dated
10/03/2022)

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SS(CO)
KB(17.03.2022) 2P 4C

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