



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.9405 of 2022

S.Sheeladevi

...Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Tanjavur District.

2.The Inspector of Police,
Office of the Inspector of Police,
Cholapuram Police Station,
Tanjavur District.

3.Saradha Devi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to take action on the basis of the petitioner's complaint, dated 27.04.2022.

For Petitioner : Mr.R.Rajesh

For R1 & R2 : Mr.B.Thanga Aravindh
Government Advocate (Crl. side)

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.Since the petitioner's request to the respondents 1 and 2 to take necessary action against the third respondent was not considered, the Writ Petition has been filed. According to the petitioner, she has made a complaint in this regard on 27.04.2022, which is still pending.

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, it would be appropriate to direct the second respondent herein to consider the petitioner's complaint dated 27.04.2022, within a stipulated time and thereby the ends of justice could be secured. It is made clear that this Court has not expressed any of its view 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.Accordingly, there shall be a direction to the second respondent to consider the petitioner's complaint dated 27.04.2022, on its own merits and pass appropriate orders in accordance with law, within a period of two 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 third respondent and any other persons who may be interested in the subject matter.

6.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (Vacation
Officer)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

pnn/sji

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,
Office of the Superintendent of Police,
Tanjavur District.

2.The Inspector of Police,
Office of the Inspector of Police,
Cholapuram Police Station,
Tanjavur District.



3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K. SELVAM, Advocate (SR-23609[F] dated 10/05/2022)

WEB COPY

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06.05.2022

=RD(19.05.2022) 3P 5C