



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.05.2022

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**THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.A.[MD]No.469 of 2022
and
C.M.P.[MD]No.4414 of 2022**

Amutha

...Appellant/Petitioner

/Vs./

- 1.The Additional Principal Secretary,
Home Department, Secretariat,
Chennai.
- 2.The Director General of Police,
Beach Road, Chennai - 4.
- 3.The Deputy Inspector General of Police,
Ramanathapuram,
Ramanathapuram District.
- 4.The District Collector,
Ramanathapuram,
Ramanathapuram District.
- 5.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
- 6.Kalaivani,
Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.

...Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the Judgment dated 11.04.2022 passed in WP (MD)No.5483 of 2022 on the file of this Court and allow the appeal.

Prayer in WP(MD). 5483/ 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the Respondents 1 to 5 herein to take departmental action against



the 6th Respondent in accordance with law, based on the Petitioners representation dated 15.03.2022, within a time stipulated by this Honble Court.

For Appellant : Mr.R.Venkateswaran
For R1 to R5 : Ms.D.Farjana Ghoushia
Special Government Pleader

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JUDGMENT

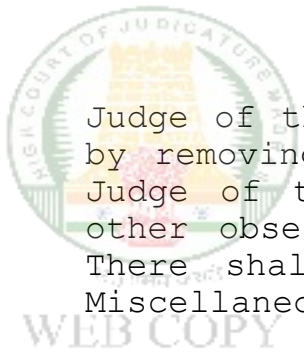
[Judgment of the Court was made by **ABDUL QUDDHOSE, J.**]

This Writ Appeal has been filed challenging the order of the learned Single Judge of this Court dated 11.04.2022 passed in WP(MD) No.5483 of 2022, under which, the writ petition filed by the appellant was dismissed and the learned Single Judge has imposed a cost of Rs.25,000/- payable by the petitioner to the sixth respondent, who was in turn, directed to utilize the said amount for providing basic amenities in the police station, which would be useful for the general public.

2.The writ petition has been dismissed on the ground that there is a delay in lodging the complaint against the respondent police for the alleged ill-treatment meted out to the petitioner during her custody under the respondent police. The learned Single Judge of this Court had dismissed the writ petition on the ground that without any evidence, the petitioner has given a representation seeking for legal action against the respondent police for the alleged ill-treatment meted out to the petitioner during her custody under the respondent police. There seems to be a quarrel between the petitioner's group and another group, which resulted in FIR having been registered against them.

3.Insofar as the reasons given by the learned Single Judge of this Court for dismissing the writ petition is concerned, we do not find any scope for interference. The learned Single Judge of this Court has rightly dismissed the writ petition on the ground that the alleged occurrence took place on 02.03.2022, whereas the representation was given by the petitioner only on 15.03.2022. The learned Single Judge has also held that no iota of evidence was produced by the petitioner to prove that the respondent police had ill-treated the petitioner at the time of her custody under the respondent police.

4.However, while dismissing the writ petition, the learned Single Judge of this Court has imposed a cost of Rs.25,000/- which, in our considered view is unwarranted. Therefore, excepting for setting aside the imposition of the cost of Rs.25,000/- imposed by the learned Single Judge of this Court under the impugned order, we do not find any scope for interference with regard to the other observations made in the impugned order passed by the learned Single



Judge of this Court. Accordingly, this Writ Appeal is disposed of by removing the cost of Rs.25,000/- imposed by the learned Single Judge of this Court under the impugned order and insofar as the other observations are concerned, the same shall stand unaltered. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Vacation Officer/
Assistant Registrar (CS III)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

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To

- 1.The Additional Principal Secretary,
Home Department, Secretariat,
Chennai.
- 2.The Director General of Police,
Beach Road, Chennai - 4.
- 3.The Deputy Inspector General of Police,
Ramanathapuram,
Ramanathapuram District.
- 4.The District Collector,
Ramanathapuram,
Ramanathapuram District.
- 5.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

+1 CC to M/s.R. VENKATESWARAN, Advocate (SR-24093[F] dated
23/05/2022)

W.A(MD)No.469 of 2022
19.05.2022

MGJ(02.06.2022) 3P 7C