



W.P(MD)No.12460 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P(MD)No.12460 of 2022

P.Radha Krishnan

...Petitioner

Vs.

1.The Superintendent of Police,
Office of Superintendent of Police,
Sivagangai District,
Sivagangai.

2.The Inspector of Police,
Illayangudi Police Station,
Sivagangai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the first respondent to appoint a competent police officer other than the respondent No.2 to conduct enquiry on the complaint in C.S.R.No.354 of 2022 on the file of the second respondent police station in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.S.Malaikani

For Respondents : Mr.M.Sakthi Kumar
Government Advocate (crl.side)



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ORDER

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The writ petitioner filed this Writ Petition seeking for issuance of a Writ of Mandamus seeking a direction to direct the first respondent to appoint a competent police officer other than the respondent No.2 to conduct enquiry on the complaint in C.S.R.No.354 of 2022 on the file of the second respondent police station.

2.The learned counsel appearing for the petitioner submitted that all the records relating sand theft cases are in custody of the Tahsildar and Revenue Officers. The river sand seized in relation to the criminal cases were stored in Ilayangudi taluk office. The petitioner wanted to know where the records are maintained and where the seized river sand are stored. Hence, the petitioner sought information under Right to Information Act. Though it was denied for the first time, he was given permission to visit the spot. When he went to the spot, there is nothing on the spot. Hence, he filed a protest petition before the learned Judicial Magistrate, Ilayankudi. Based on the direction given by the learned Judicial Magistrate, Crime No.124 of 2022 was registered. Thereafter, the sand were accumulated in the Taluk officer with the help of the officials. Hence, he gave a representation to the second respondent



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against the illegal act of the official respondents. The same was taken on file in C.S.R.No.354 of 2022 and no action was taken in the said representation. Hence, the petitioner filed the present writ petition.

3.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that the petitioner is not a social worker, but he gave a false complaint against the Revenue Officers and Police Officers and threatening to receive the money from them by showing the telephonic conversation. Hence, he prays for dismissal of this petition.

4. I have considered the matter in the light of the submissions made by the parties.

5.On perusal of records it is seen that a complaint was given by the petitioner to the second respondent, which was received and numbered in C.S.R.No.354 of 2022. As per the complaint, stolen sand were again placed behind the Ilayankudi Tahsildar Office and the petitioner wants to know who stolen the sand and who stored it again. According to the police, it is under investigation. Now the petitioner wants to transfer the complaint to some other police officer for investigation. There is a



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specific provision under Section 36 of Cr.P.C., for the Superior Officer to transfer the case from one investigating officer to another investigating officer. The petitioner can always invoke the said provision, if he is satisfied with the investigation conducted by the second respondent. The petitioner filed this writ petition without exhausting the said remedy.

6. Leaving open the petitioner's remedy, this writ petition is dismissed. No costs.

20.06.2022

Index :Yes/No
vsd

To

1. The Superintendent of Police,
Office of Superintendent of Police,
Sivagangai District,
Sivagangai.
2. The Inspector of Police,
Illayangudi Police Station,
Sivagangai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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vsd

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