



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P. (MD)No.13201 of 2020

and

W.M.P(MD) No.11057 of 2020

Mariamammal

...Petitioner

Vs.

- 1.The Director General of Police (DGP),
Santhome High Road, Mylapore,
Chennai-600 004.
2. The Superintendent of Police,
Tuticorin District, Tuticorin.
3. The Inspector of Police,
Kovilpatti East Police Station,
Tuticorin District.
4. Jebaraj,
The Deputy Superintendent of Police,
Kovilpatti Sub Division, Tuticorin District.
Now working as
The Deputy Superintendent of Police,
Social Justice and Human Rights, Theni.
5. Esakkiraja,
Sub Inspector of Police,
Kovilpatti East Police Station,
Tuticorin District.
Now working as
The Sub Inspector of Police,
Tuticorin South Police Station,
Tuticorin.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, or any other order or direction in the nature of the Writ, calling for the records pertaining to the Impugned Enquiry Report of the 4th respondent vide his proceeding Nil, dated 15.12.2019 and quash the same as illegal and consequently direct the 1st respondent to order an enquiry on the



complaint made by the petitioner in the rank of Superintendent of Police.

For Petitioner : Mr.C.Mayilvahan Rajendiran,
for Mr.K.Kulanthai Vikram
For R1 to R3 : Mr.M.Sakthi Kumar
Government Advocate

WEB COPY

ORDER

The writ petition has been filed to call for the records pertaining to the Impugned Enquiry Report of the fourth respondent vide his Proceeding Nil, dated 15.12.2019 and quash the same as illegal and consequently direct the first respondent to order an enquiry on the complaint made by the petitioner in the rank of Superintendent of Police.

2. Though the relief is to quash the enquiry report of the Deputy Superintendent of Police, the crux of the allegations in the writ petition indicates that the petitioner has constructed his house, at that time, some of the rowdy elements came to the spot and threatened him from putting up a construction and hence, the petitioner gave a complaint before the Police Officials and the same has not been considered. Again on 04.07.2019, the rowdy elements have damaged the water tank put up by the petitioner in his patta land. At that time also he gave another complaint, which is also not taken seriously by the Police. Therefore, representations were sent to the Police on 8.7.2019 and 15.7.2019. Since, no effortful action has been taken, he has come forward with the present writ petition.

3. Again on 17.07.2019 at about 8.30 hours, the fifth respondent along with twenty others damaged the water tank and the same was recorded in the CCTV camera fixed by the petitioner. The petitioner sent a complaint to the Human Rights Commission. Thereafter, the Deputy Superintendent of Police has made an enquiry and concluded that the petitioner's allegations are not proved. Therefore, his enquiry report is sought to be quashed.

4. From the allegations narrated above, the main grievance of the petitioner is that for the inaction on the part of the Police to take action against the persons, who allegedly damaged the petitioner's water-tank, which is also recorded in the CCTV camera, nothing prevented the petitioner from proceeding against perpetrators by way of filing a private complaint under section 200 of Cr.P.C.

5. At this stage, the learned counsel for the petitioner would submit that now the fifth respondent is transferred and the third respondent, a very honest officer is posted in that place. Therefore, he may look into his complaint dated 29.07.2019 and enquire the matter.



6. As the petitioner himself restricted his relief, the third respondent shall make an enquiry on the complaint of the petitioner dated 29.07.2019 and proceed as per law.

7. With the above observation the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 Director General of Police (DGP),
Santhome High Road, Mylapore,
Chennai-600 004.
2. The Superintendent of Police,
Tuticorin District, Tuticorin.
3. The Inspector of Police,
Kovilpatti East Police Station,
Tuticorin District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.KULANTHAI VIKRAM, Advocate (SR-9822[F] dated 03/03/2022)

W.P. (MD) No.13201 of 2020

02.03.2022

MGJ(17.03.2022) 3P 6C