



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2022

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P. (MD) . No.17616 of 2019

WEB COPY

A.Selvaraj

... Petitioner

-Vs-

1.The Superintendent of Police,
Tirunelveli District, Tirunelveli.

2.The Inspector of Police,
Alangulam Police Station,
Tirunelveli District.

3.Mr.Krishnakumar,
Grade-I Constable,
(Gr-I-3064),
Alangulam Police Station,
Tirunelveli District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 1 and 2 to take appropriate action as against the third respondent in the Act of misusing the official power by considering the petitioner's representation dated 02.08.2019.

For Petitioner : Mr.A.Sankara Ramasubramanian
For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

O R D E R

The petitioner herein is running a tea shop owned by Alangulam Town Panchayat. On 31.07.2019 at about 02.00 p.m., the petitioner was talking near Kamarajar Bus stand, the third respondent abused him in filthy language for filing complaint against him and threatened him that he will throw away all his things out from the shop and evict him from the premises. Further, he asked the driver of the Mini bus bearing registration No.TN 39 C 2892, to park the bus opposite to his tea shop, so that no one could come to his shop. Hence, he seeks the higher officials to take action against the third respondent.

2. The learned Additional Public Prosecutor submitted that the petitioner herein is involved in a criminal case and aggrieved by the action taken by the police, he filed a false complaint against the police officials.



3. However, the learned counsel for the petitioner submitted that the police attached to the Alangulam police station has registered a false case against him and he has taken adequate legal measures to defend those cases and few such cases were also quashed by this Court.

4. The learned Additional Public Prosecutor would submit that, apart from the antecedents of the petitioner, the petitioner herein is running the tea shop in a building owned by local Panchayath bus stand and is causing nuisance to the movements of the vehicle, due to his encroachment of the common space. Therefore, the police in order to have free flow of traffic, prevented the petitioner herein from encroaching the common space. Aggrieved by the same, he has given a complaint against the third respondent. Since there is no merit in this case, the police has not taken action on the petitioner's complaint. A reading of the complaint dated 02.08.2021, upon which the petitioner herein seeks action indicates that there is a threat to the petitioner's business and life. The allegation is that the petitioner's business was disturbed by the third respondent, whereas, the police verification is that the petitioner herein who is running a tea shop has occupied the common space of the bus stand and causing nuisance to the public. This Court, in view of jurisdiction, cannot go into the disputed facts of the case, however can only direct the respondents 1 and 2 herein, to take recourse under the procedures contemplated under Cr.P.C. Therefore, if the petitioner is causing nuisance to the general public by encroaching upon the public space, the respondents 1 and 2 can take recourse under the procedures to law and take necessary action against this petitioner in accordance with law. Accordingly, this Writ Petition is dismissed. No Costs.

Sd/-

Assistant Registrar(AD-II)

// 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

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- 1.The Superintendent of Police,
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Tirunelveli.
- 2.The Inspector of Police,
Alangulam Police Station,
Tirunelveli District.

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SR(CO)
TR(21.02.2022) 3P 3C