



W.P.(MD)Nos.22606 and 25352 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.(MD)Nos.22606 and 25352 of 2022

In W.P.(MD) No.22606 of 2022

Rajeshwaran

/vs./

... Petitioner

1.The Superintendent of Police,
K.Pudhur,
Alagarkovil Road,
Surveyor Colony,
Madurai 625 007.

2.The Inspector of Police,
Usilampatti Taluk,
Madurai 625 532

3.Kosmeen

4.Tamil Selvi

5.Rajan

6.Kodeeswari

7.Aanand

8.Laktchadeepan

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9.Paraman

10.Arumugam

11.Amutha

12.Chellapandi

13.Jayachandran

14.Soundarapandi

15.Baskaran

16.Thamari

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st and 2nd Respondents to secure the petitioner life from the Respondents No.3 to 16 and direct the 1st and 2nd Respondent to consider the petitioner's representation dated 12.07.2022.

For Petitioner : Mr.B.Sargunam
For R1 & R2 : Mr.R.Sivakumar
Government Advocate (Crl.side)
For R3 to R10
& R16 : Mr.K.R.Laxman

In W.P.(MD) No.25352 of 2022

P.Karthigaisami

... Petitioner

/vs./



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1.The Superintendent of Police,
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Surveyor Colony,
Madurai 625 007.

2.The Inspector of Police,
Usilampatti Taluk,
Madurai 625 532

3.Kosmeen

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st and 2nd Respondents to secure the petitioner life from the third Respondent and direct the 1st and 2nd Respondent to consider the petitioner's representation dated 04.10.2022.

For Petitioner	:	Mr.B.Sargunam
For R1 & R2	:	Mr.R.Sivakumar
		Government Advocate (Crl.side)
For R3	:	Mr.K.R.Laxman

COMMON ORDER

W.P.(MD) No.22606 of 2022 has been filed to direct the Respondents 1 and 2 to secure the Petitioner's life from the Respondents 3 to 16 and to direct the Respondents 1 and 2 to consider the Petitioner's representation dated 12.07.2022.



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2.W.P.(MD) No.25352 of 2022 has been filed to direct the Respondents 1 and 2 to secure the Petitioner's life from the third Respondent and to direct the Respondents 1 and 2 to consider the Petitioner's representation dated 04.10.2022.

3.It is the contention of the learned Counsel for the Petitioners that both the Writ Petitions are related to the allegations of the Petitioners regarding one Kosmeen, who is the third Respondent in both the Writ Petitions. It is the further contention of the learned Counsel for the Petitioners in both the Writ Petitions that the third Respondent is the duly elected Panchayat President. Misusing his position, he had been creating fraudulent documents and encroaching on the public property.

4.The Petitioner in W.P.(MD) No.22606 of 2022 is the Social Worker. Only on that score, he had been threatened on the mobile phone. Therefore, he had lodged the complaint with the second Respondent. Since there was no response from the second Respondent, he had addressed the Inspector General of Police, Southern Zone, who had directed the first Respondent/the Superintendent of



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Police to consider and enquire. Based on that, he was summoned by the second Respondent and he had submitted his version.

5.It is the further contention of the learned Counsel for the Petitioners that the second Respondent had not summoned the third Respondent. Further the Petitioner in W.P.(MD) No.22606 of 2022 had given the complaint regarding 29 individuals, who were alleged to have conspired with the third Respondent.

6.The learned Government Advocate (Crl.side) for the Respondents 1 and 2 in both the Writ Petitions would submit that the second Respondent had conducted an enquiry and had closed the same, directing the Petitioner in W.P. (MD) No.22606 of 2022 to workout his remedy through Civil Court. Insofar as W.P.(MD) No.25352 of 2022 is concerned, enquiry is still pending with the second Respondent.

7.The learned Counsel for the third Respondent in both the Writ Petitions would submit that the Petitioners had been instigated to file these Writ Petitions by the person, who stood for the local body election. The learned Counsel for the



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third Respondent invited the attention of this Court to the vague allegations made in these Writ Petitions.

8.It is the further contention of the learned Counsel for the third Respondent that if these Writ Petitions are entertained, then all the cases, in which the Police had registered the cases under Section 506(1) IPC, will be converted as Writ Petition by the very same defacto complainants, in which there will be opening of the floodgates before the Writ Court for the single Bench of this Court. Therefore, the learned Counsel for the third Respondent would submit that it is nothing but misuse of the legal forum. If the averments made in these Writ Petitions had been true, those, who have lost their rights, should have approached this Court. Also, the Revenue Officials should have taken action for the same.

9.The learned Counsel for the third Respondent also invited the attention of this Court to W.P.(MD) No.22606 of 2022, where there are complaints given to the Inspector General of Police, Southern Zone and 29 Respondents. The averments in the very same complaint is found vague. Also, it is submitted by the learned Counsel for the third Respondent that the Hon'ble Supreme Court as well



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as this Court had condemned heavily on the persons, who misused this forum with vague allegation for seeking relief. Therefore, the learned Counsel for the third Respondent sought to dismiss these Writ Petitions.

10.On consideration of the submission made by the learned Counsel for the Petitioners, learned Government Advocate (Crl.side) for the Respondents 1 and 2 and the learned Counsel for the third Respondent, the Petitioners have to workout their remedy by following the directions of the Division Bench of this Court in a batch of Criminal Original Petitions reported in ***CDJ 2018 MHC 5100*** in the case of ***G.Prabakaran vs The Superintendent of Police, Thanjavur District and another.***

11.Accordingly, these Writ Petitions are dismissed as not maintainable. No costs.

15.11.2022

Index : Yes / No
Internet : Yes / No
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SATHI KUMAR SUKUMARA KURUP, J.

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Common Order made in
W.P.(MD)Nos.22606 and 25352 of 2022

Dated:
15.11.2022