



WEB COPY



W.A.No.1801 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2023

CORAM :

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

W.A.No.1801 of 2019

E.Palani

... Appellant

-Vs-

- 1 The Home Secretary
Secretariat Fort St.george
Chennai - 600009
- 2 The Director General Of Police
Kamarajar Salai Mylapore Chennai - 600004
- 3 The Inspector General Of Police
(North Zone) Kamarajar Salai Mylapore
Chennai - 600004
- 4 The Superintendent Of Police
Office Of The Superintendent Of Police
Thiruvallur District, Thiruvallur
- 5 The Inspector Of Police
D-1 Police Station Thiruthani Thiruvallur
District
- 6 The Proprietor
M/s.Gopi Vilas Coffee Shop Thiruthani Bus
Stand Thiruthani Thiruvallur District

... Respondents

Prayer : Writ Appeal under Clause 15 of the Letters Patent against the order in W.P.No.34013 of 2017 dated 04.01.2018.



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For Appellant : No appearance
For Respondents : Mr.M.Murali, Government Advocate
-for RR 1 to 5
No appearance - for R6

J U D G M E N T

(Judgment of the Court was delivered by **K.KUMARESH BABU, J.**)

This intra Court appeal has been preferred by the Party-in-Person, wherein the learned Single Judge has dismissed the writ petition, wherein he had sought for a writ of Mandamus to direct the respondents 1 to 4 to take disciplinary action against the fifth respondent herein.

2. The case of the petitioner / appellant is that, the fifth respondent who is the Inspector of Police had been supporting the illegal actions of the sixth respondent, who is a private party and in spite of the complaint lodged by the petitioner / appellant as against the fifth respondent, no action has been initiated.

3. The learned Single Judge, after considering the facts and circumstances, has factually found that the petitioner had been detained by the fifth respondent and only thereafter the petitioner had made a representation to the respondents 1 to 4 and had found that the conduct of the petitioner was an after thought to the action that had been initiated against him by the fifth respondent and further, had held that the petitioner had suppressed this material fact and thereby he had come



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to the Court with unclean hands and therefore the learned Single Judge had not exercised the power under Article 226 of the Constitution.

4. We do not find any infirmity with the conclusion that has been arrived at by the learned Single Judge based on the material facts that were available on record before him. That apart, the petitioner is a third party, who seeks for a disciplinary action against the fifth respondent. The complaint of the appellant is that the fifth respondent had been supporting the sixth respondent for his illegal activities. If such a complaint had been found to be true, it is for the respondents to initiate action against the concerned officer. No directions could be issued as prayed for by the petitioner / appellant to initiate disciplinary action. In fine, the writ appeal fails, and it is dismissed. No costs.

(R.S.K.,J..) (K.B.,J.)

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Index : Yes/No

Internet : Yes/No

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