



W.P.No.12211 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.12211 of 2023

C.Subramaniyan

... Petitioner

Vs.

- 1.The Secretary to Government,
Home Department,
Fort St.George,
Chennai – 600 009.
- 2.The Deputy Inspector General of Police,
West Zone,
Coimbatore.
- 3.The Superintendent of Police,
District Police Head Quarters,
Salem, Kallakurichi.
- 4.Anbarasan,
Sub-Inspector,
Attur Police Station,
Salem District.
- 5.Sathyamoorthy,
Special Sub-Inspector,
Attur Police Station,
Salem District.



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6.Palaniappan

...Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents 1 to 3 to consider the petitioner's representation dated 26.02.2020, consequently direct the respondents 1 to 3 to take action against the respondents 4 to 6.

For Petitioner : Mr.S.N.Subramani

For Respondents : Mr.U.Baranidharan
Additional Government Pleader
[R1 to R3]

ORDER

The Writ Petition is filed seeking for a Writ of Mandamus, to direct the respondents 1 to 3 to consider the petitioner's representation dated 26.02.2020, consequently, to direct the respondents 1 to 3 to take action against the respondents 4 to 6.

2. Since no adverse order has been passed against the respondents 4 to 6, notice to the respondents 4 to 6 is dispensed with.

3. The case of the petitioner is that, on 21.07.2011, when the petitioner went to irrigate his agricultural land, he was brutally attacked



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by the respondents 4 to 6 by uttering his community name and the petitioner was kept in illegal custody for more than eight days and was continuously tortured by the respondents 4 to 6. Since the petitioner was missing from his family, a complaint was made before the respondents 2 and 3. However, the police falsely implicated the petitioner in F.I.R.No.172 of 2011 and with the help of an advocate, the petitioner was acquitted from the false case, which was foisted on him in C.C.No.118 of 2011. Therefore, the petitioner lodged a complaint before the Human Rights Commission and also before the respondents 1 to 3 on 04.09.2013 and 26.02.2020 respectively. Despite several representations, the respondents 1 to 3 have not taken any action on the respondents 4 to 6. In spite of the fact that the petitioner's representation is pending before various authorities, the respondents 4 to 6 are continuously threatening the petitioner and his family members compelling them to drop the complaints. Since the representation sent by the petitioner dated 26.02.2020 to the respondents 1 to 3 has not received any response, the petitioner has filed the above Writ Petition before this Court for appropriate directions.



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4. The learned counsel for the petitioner submits that, though the petitioner made representations from the year 2015 for taking action against the erred officials, no order was passed. Hence, he prays that, this Court may issue a direction to the respondents 1 to 3 to consider the petitioner's representation dated 26.02.2020 and pass appropriate orders, within a time frame that may be fixed by this Court.

5. The learned Additional Government Pleader appearing for the respondents 1 to 3 submits that the alleged incident happened in the year 2011, however, the representation was made in the year 2020 for taking appropriate action against the Law Enforcing Agency, who arrested him at the relevant point of time. He further submits that for the past 9 years, the petitioner has not taken any steps to take against the Law Enforcing Agency. Hence, filing the above Writ Petition after a lapse of 12 years is not maintainable and he prays for dismissal of this writ petition.

6. Heard Mr.S.N.Subramani, learned counsel for the petitioner and Mr.U.Baranidharan, learned Additional Government Pleader appearing for the respondents 1 to 3 and perused the materials available on record.



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7. From a perusal of the representation made by the petitioner dated 26.02.2020, it is seen that the petitioner alleged that there was human rights violation committed by the Law Enforcing Agency. If it is a human rights violation, the petitioner has to approach the competent Commission or file a private complaint against the alleged erred officials before the competent Criminal Court. Instead of approaching the competent authority, filing this Writ Petition after a lapse of several years is not sustainable. Hence, the prayer sought by the petitioner cannot be granted and the Writ Petition is liable to be dismissed.

8. Accordingly, the writ petition is dismissed. No costs.

20.04.2023

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
sp

To

1.The Secretary to Government,
Home Department,
Fort St.George,
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M.DHANDAPANI, J.

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2.The Deputy Inspector General of Police,
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