



W.P.No.32780 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.04.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.32780 of 2016

K.Sekar

Vs.

... Petitioner

1. The Director General of Police,
Tamilnadu Police Department,
Mylapore, Chennai – 600 004
2. The Inspector General of Police,
North Zone, St.Thomas Mount,
Alanthur, Chennai – 16
3. The Superintendent of Police,
Thiruvannamalai District
Thiruvannamalai
4. Mr.Gunasekaran
Inspector of Police,
Thiruvannamalai Town Police Station,
Thiruvannamalai
(Now serving at
Vellore Town Police Station,
Vellore District
5. Mr.Sivasankaran
Sub Inspector of Police,
Thiruvannamalai Town Police Station,
Thiruvannamalai
(Now serving at Thanippadi
Police Station, Thiruvannamalai
District)



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6. D.S.M.Senthilkumar

7. D.S.M.Panneerselvam

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to issue necessary direction to the 2nd respondent to take appropriate departmental action as against the respondents nos.4 and 5 for having not discharged their duties as per law, based on my representation dated 22.08.2015 made to the 1st respondent.

For Petitioner : No appearance

For Respondents : Mr.M.S.Premkumar for R1 to R3
Government Advocate
Mr.R.Sathishkumar for R6 & R7
R4 and R5 - No appearance

ORDER

Seeking an issuance of a Writ of Mandamus directing the 1st respondent to issue necessary direction to the 2nd respondent to take appropriate departmental action as against the respondents nos.4 and 5 for having not discharged their duties as per law, based on the representation dated 22.08.2015 made to the 1st respondent, the petitioner is before this Court.



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2. When the petition is taken up for hearing, there is no representation for the petitioner.

3. The learned Government Advocate appearing for the respondents 1 to 3 would submit that the petitioner is the tenant and the respondents 6 and 7 are the owners and it is a landlord, tenant dispute, therefore, the present Writ Petition is not maintainable, thereby pleaded to close the petition.

4. Heard the learned Government advocate for the respondents 1 to 3 and the learned counsel for the respondents 6 and 7 and perused the documents placed on record.

5. It is pertinent to note that the petitioner lodged a complaint to the Inspector of Police and Sub-Inspector of Police of Tiruvannamalai Town Police Station on 07.09.2014 on the ground that the 6th and 7th respondents along with one Sivakumar ransacked the shop of the petitioner on 06.09.2014 and scolded with filthy language. In this connection, the petitioner filed CrI.O.P.No.11425 of 2015 before this Court and on the direction of this Court, the 5th respondent registered a complaint in



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Cr.No.396 of 2015 under Sections 147, 294(b), 352 and 506(ii) IPC. After detailed enquiry, it was concluded that no such incident as alleged by the petitioner occurred.

6. It is relevant to note that again on 20.10.2014, the 6th and 7th respondents along with one Sivakumar came to the petitioner's shop and closed the shop by putting up welding rod and account of the same, there was a leakage of power during night hours and there was fire accident in the petitioner shop and hence, the petitioner preferred a complaint that his materials worth about 6.75 Crores were damaged due to the same. On a detailed enquiry, the Deputy Superintendent of Police, submitted a report during September, 2015 with reference to RC.No.152348/Con.3(1)/2015 dated 25.08.2015 wherein he had concurred with the findings of the 4th and 5th respondents.

7. On a perusal of the counter affidavit it could be seen that though the petitioner had made a detailed representation to the respondents 1 to 3 on 22.08.2015 and requested to issue necessary direction to the 2nd respondent to take appropriate departmental action against the 4th and 5th respondents for having failed to discharge of the duties, the present writ



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petition is only trick played by the petitioner to sidetrack the issue. Further, all the complaints of the petitioner are found to be false as the outcome of anger by the petitioner against the 6th and 7th respondents and requested the petitioner to vacate the premises, thereby pleaded to dismiss the present petition.

8. Considering the present facts and circumstances of the case and taking note of the fact that based on the representation of the petitioner, enquiry has been conducted and the same was closed, this Court is of the view that it is a landlord tenant dispute and the present Writ will not lie and the present Writ Petition has become infructuous, as nothing survives for further adjudication.

In view of the above, the present Writ Petition is closed. No costs.

28.04.2023

Index : Yes/No
Internet : Yes/No
Speaking /Non-Speaking Order
ssd



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V.BHAVANI SUBBAROYAN, J.,

ssd

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