



W.P.No.35691 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE P.B.BALAJI

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P.Rajkumar

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by its Secretary,
Home Department,
Fort St. George, Chennai - 9.

2.The Commissioner of Police,
Veppery, Chennai - 9.

3.The Deputy Commissioner of Police,
T.Nagar, Chennai - 600 017.

4.Devaraj,
The Inspector of Police,
R-10, M.G.R. Nagar Police Station,
K.K.Nagar, Chennai.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first to third respondents to take departmental action against the fourth respondent based on the petitioner's representation



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dated 30.09.2016 and pay compensation to the petitioner for illegally beaten by the fourth respondent which was recorded by the fourth respondent Police Station C.C.T.V camera on 05.09.2016.

For Petitioner : No appearance

For Respondents :
For R1 to R3 : Mr. M.Shahjahan
Special Government Pleader

For R4 : No appearance

ORDER

The matter is listed today under the caption "for orders". Even on the last hearing, there is no representation for the writ petitioner. Today also there is no representation on the side of the petitioner.

2. This Court has perused the affidavit filed in support of this writ petition.

3. The writ petitioner seeks issuance of a Writ of Mandamus to direct the first to third respondents to take departmental action against the fourth respondent based on the petitioner's representation dated 30.09.2016 and pay



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compensation to the petitioner for being illegally beaten up by the fourth respondent which was recorded by the fourth respondent Police Station C.C.T.V camera on 05.09.2016.

4. It is the case of the petitioner that he is a student studying in third year, Diploma Mechanical Engineering in S.R.M. College, Chennai. On 04.09.2016, when the petitioner was sleeping in the floor, the fourth respondent Police Station constable namely Gnanapal Jebakumar took him to the Police Station at 11.30 p.m. and held him in illegal custody for one night.

5. The allegations of the petitioner is that he was beaten up by the fourth respondent, resulting in the petitioner sustaining serious/grievous injuries.

6. The petitioner has given repeated representations dated 14.09.2016, 18.09.2016, 30.09.2016 to the first to third respondents seeking their intervention in the matter and to take departmental action against the fourth respondent.



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7. The prayer in the writ petition is only to direct the first to third respondents to take departmental action against the fourth respondent on the writ petitioner's representation dated 30.09.2016, which is last of the three representations given by the writ petitioner. The second and third respondents have filed a detailed counter stating that the writ petitioner, by suppressing the material facts, has approached this Court with an ulterior motive.

8. According to the respondents, the petitioner is a Member of Hindu Munnani Organisation and he had erected huge banner, which caused hindrance and obstruction to the regular movement of the vehicles. When the fourth respondent police requested the petitioner to remove the banner to ensure that there would be regular flow of traffic and also the vinayagar idols procession and movement of vehicles on that date, the petitioner bluntly refused and he was taken to police custody to prevent untoward incidents and later, he was sent out after taking an undertaking from him, not to involve in any such activities.



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9. However, despite the undertaking, the petitioner on 05.09.2016 at about 7.45 p.m., squatted himself in the middle of the road and indulged in abusive and obscene acts. Action was taken against the petitioner under Section 75 of the Madras City Police (MCP) Act, 1888, and a case was also registered. He was released on bail on surety being given.

10. It is the specific case of the second and third respondents that they considered the representations made by the petitioner and conducted a detailed enquiry by calling the witnesses and found that the allegations made by the petitioner were false and accordingly, they rejected the representations of the petitioner.

11. Thus, it is seen from the counter affidavit filed by the second and third respondents that the petitioner's representations have already looked into and rejected by them.

12. In view of the same, nothing survives for consideration in this writ petition.



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WEB COPY 13. Accordingly, this Writ Petition is dismissed. No costs.

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Index : Yes / No

Internet : Yes / No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes / No

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To

- 1.The Government of Tamil Nadu,
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