



WEB COPY

W.P.No.30067 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.30067 of 2023

Sudha

... Petitioner

Vs.

1.The District Collector,
Salem District,
Salem.

2.The Commissioner of Police,
Sale City, Salem.

3.Mr.Gnanavel

4.Gnanathi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to take department action against the 4th respondent based on the petitioner's representation dated 11.07.2023.

For Petitioner

: Mr.M.Selvam

For R1 & R2

: Mr.M.Bindran

Additional Government Pleader



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ORDER

The relief sought for in the present writ petition is to direct the 2nd respondent to take departmental action against the 4th respondent based on the petitioner's representation dated 11.07.2023.

2. The case of the petitioner is that she got married to one Mr.Gnanavel, who is the brother of Gnanathi working in the Police Department. According to the petitioner, the said Gnanathi informed her that Mr.Gnanavel was married to another person and got divorced. Further, she informed the petitioner that he was working as a Civil Engineer in the Salem District. Based on this information, the petitioner got married to the said Mr.Gnanavel before seven years. From and out of wedlock between the petitioner and the 3rd respondent, two girl children were born.

3. The petitioner further states that two years back she came to know that the divorce of her husband was false and in this regard, the petitioner questioned the 4th respondent and in reply, the 4th respondent has threatened the petitioner by stating that her brother could marry as number of persons as he wish and the petitioner should not question her brother and she would use



her influence if required.

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4. The petitioner states that due to the earlier marriage, dispute aroused between her husband and herself. Thereafter, the husband of the petitioner left her in parental home. Even though she raised complaint in this regard, no action has been taken due to fact that he is the brother of the Police Officer and the petitioner belongs to the family of poor parents of daily wage workers and she is in a position to look after her family and she has got anything against the said Gnanavel for cheating and committing cruelty to her.

5. The learned counsel for the petitioner states that the petitioner has made a representation to the respondents 1 and 2 against the said sister in law on 11.07.2023, who has suppressed the earlier marriage and making defamatory remarks against her community. No action has been taken place and hence, she is constrained to move the present present writ petition.

6. However, it is also seen that both the parties have married earlier and further there was a dispute aroused between the parties. Thereafter, the petitioner was brought back to the parent's house by her husband and she is leading her life with her parents and she has suffered cruelty and cheating.



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Therefore, the petitioner filed a complaint to the respondent. According to her no action has been taken place and the F.I.R also shows there is no mention about the particular act of the said Gnanthi on defamatory remarks against her community or any to the petitioner. Nothing sought is found as to whether Gnanavel is using official capacity and trying to influence the other police officials or not. No such incident has been stated by the petitioner.

7. Therefore, this Court is of the considered opinion that no such writ of mandamus can be issued for taking action against the said 4th respondent as there is no detail regarding her position in the police department and the reasons stated against her is also not shown. If the petitioner had approached the Commissioner of Police, they would have definitely considered the same and there is no such material facts available and it is seen that she has misrepresented the issue.



8. However, the petitioner has got remedy available before the Court of Law. Hence, this Writ Petition stands dismissed with liberty to approach the Competent Court of Law. No costs.

17.10.2023

Jeni

Index : Yes / No

Speaking order : Non-speaking order

Neutral Citation : Yes / No

To

1.The District Collector,
Salem District,
Salem.

2.The Commissioner of Police,
Sale City, Salem.



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V.BHAVANI SUBBAROYAN, J.

Jeni

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