



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27-11-2023

CORAM

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

WP No.33320 of 2023

S.Gowthaman

... Petitioner

Vs.

1.State of Tamil Nadu Represented by
The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.

2.The Commissioner of Police,
Avadi Commissioner Office,
Avadi,
Chennai-600 054.

3.The Inspector of Police,
T-12 Poonamallee Police Station.,
Chennai-600 056.

4.Mr.M.Clastin Davit,
Inspector of Police,
T-12 Poonamallee Police Station.,
Chennai-600 056.

... Respondents



Prayer: Writ Petition has filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 to consider the representation dated 03.10.2023 made by the petitioner and decide the same in accordance with law.

For Petitioner : Mr.P.Pugalenth

For Respondents-1 to 3 : Mr.Leonard Arul Joesph Selvam,
Government Advocate
(Criminal Side).

ORDER

The writ petitioner has filed the present writ petition seeking Mandamus to direct the respondents 1 and 2 to consider his representation dated 03.10.2023.

3. The representation dated 03.10.2023 is regarding the complaint given by the writ petitioner to the Home Secretary alleging that his client was illegally detained in the lock up and when he went to meet his client in the Police Station, the Inspector of Police showed lathy and threatened him.



4. The writ petitioner, as an Advocate, who claims that when he went to the Police Station on 01.10.2023 to meet his client, who was detained in lock up and at that time, the writ petitioner saw his client half-naked and the Inspector of Police, Mr.David Clastin was hitting him with a pipe. When the writ petitioner questioned about his conduct, the Inspector of Police threatened the writ petitioner and asked him to get away from the Police Station. The writ petitioner also alleged that the person, who was in the lock up, was attacked badly and he sustained fracture in his legs. The writ petitioner, alleging that the police have not followed the dictum of Supreme Court held in **D.K.Basu's case**, seeks action.

5. In this connection, the learned Government Advocate (Criminal Side), appearing on behalf of the respondents 1 to 3 reports that when summon served to the writ petitioner, he did not participate in the enquiry to find out the truth. Further more his allegation that the person in the lock up was attacked with a pipe and his legs got fractured, is also factually incorrect and is an imaginary allegation. The learned Government Advocate (Criminal Side) further states that since the writ petitioner did not



cooperate with the police for an enquiry, his petition was closed and a copy was served to the mother of the writ petitioner, namely, Tmt.Regina.

WEB COPY

6. In the light of the above facts, nothing survives in the present writ petition and accordingly, the same is dismissed. However, there shall be no order as to costs.

27-11-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



To

1. The Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
2. The Commissioner of Police,
Avadi Commissioner Office,
Avadi,
Chennai-600 054.
3. The Inspector of Police,
T-12 Poonamallee Police Station.,
Chennai-600 056.
4. The Public Prosecutor,
High Court of Madras,
Chennai.



WEB COPY

WP No.33320 of 2



DR.G.JAYACHANDRAN, J.

Svn

WP 33320 of 2023

27-11-2023