



W.P.(MD)No.4242 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.4242 of 2023

C.Thangaraj

... Petitioner

Vs.

1. The Director General of Police,
Mylapore,
Chennai.

2. The District Collector,
Tenkasi District.

3. The Superintendent of Police,
Tirunelveli District.

4. Ramakrishnan,
The Sub Inspector of Police,
Thevarkulam Police Station (L&O),
Tirunelveli District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the first respondent to take departmental action against the fourth respondent and thereby pay adequate compensation and litigation expenses to the petitioner on the basis of the petitioner's representation dated 15.12.2022.



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For Petitioner : Mr.R.Chandrasubramaniyan
For Respondents : Mr.G.V.Vairam Santhosh
Addl. Govt. Pleader for R1 to R3

ORDER

This Writ Petition has been filed for a direction to the first respondent to take departmental action against the fourth respondent and thereby pay adequate compensation and litigation expenses to the petitioner, on the basis of the representation submitted by him, dated 15.12.2022.

2. The case of the petitioner is that the petitioner is an Agriculturist. In order to reform his land in Survey No.114/2A, situated at Muthammal Village, Veerakeralampudur, Tenkasi District, he obtained license from the second respondent on 10.10.2022 for taking gravel for the land reform for the period from 14.10.2022 to 17.10.2022 and he got transportation pass from the Joint Director of Geology and Mines, Tenkasi District. On 17.10.2022, for his own purpose, he transferred gravel to his village through tractors. At that point of time, the fourth respondent stopped



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his tractors even after showing the permission and transportation pass to him. He did not hear the words of his drivers and using abusive, filthy language against his drivers and forcibly take away the drivers from the spot to the Police Station. Thereafter, the fourth respondent came to the petitioner's land which is controlled under the jurisdiction of Uthumalai Police Station, Tenkasi District. But the fourth respondent was working as a Sub Inspector of Police, Uthumalai Police Station, Tirunelveli District. Hence, the petitioner enquired about the illegal atrocity and the fourth respondent demanded Rs.50,000/- bribe amount. Further, the petitioner refused to give the bribe amount and the fourth respondent registered a false case against him and the four drivers in Crime No.201 of 2022 under Sections 379 of I.P.C and 21(1) of Mines and Minerals (Development and Regulation Act, 1957). Thereafter, he filed an anticipatory bail application before this Court and got an order and released on bail. Hence, on 20.10.2022, for the above said illegal activity of the fourth respondent, the petitioner preferred a complaint before the second respondent and the same was forwarded to the Tahsildar, V.K.Pudur Taluk through Revenue Divisional Officer, Tenkasi. Finally, the second respondent passed an order



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dated 04.11.2022 by stating that "already permission was given to the petitioner for taking gravel, on that basis only the petitioner taken gravel".

Pursuant to the same, the third respondent did not take any action against the fourth respondent and till now did not close the petitioner's case as "mistake of fact". Hence, he filed a quash petition before this Court in CrI.O.P.(MD)No.271 of 2023 and this Court, by order dated 06.01.2023 passed an interim order that the respondent police is directed not to file the final report till then. Hence, he made a representation to the respondents 1 to 3 dated 15.12.2022 to pay Rs.15,00,000/- compensation for illegal atrocity of the fourth respondent and to take legal action against the fourth respondent. But, till date, no order was passed. Therefore, the petitioner has filed the present Writ Petition.

3. The learned counsel appearing for the petitioner would submit that it would suffice, if the first respondent is directed to consider the petitioner's representation dated 15.12.2022, on merits and in accordance with law, within a specified period.



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4. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

5. The facts in the present case are not in dispute. Admittedly, the fourth respondent registered a case against the petitioner in Crime No.201 of 2022 under Sections 379 of I.P.C and 21(1) of Mines and Minerals (Development and Regulation Act, 1957). Though the petitioner claimed that he obtained prior permission from the District Collector for taking gravel, the fourth respondent registered a false case against him. Since the dispute between the petitioner and the fourth respondent cannot be decided by the first respondent / Director General of Police, it could be resolved only before the Competent Court. Instead of approaching the Competent Court, filing a Writ Petition under Article 226 of the Constitution of India is not sustainable one. Hence, the prayer sought for in the present Writ Petition cannot be granted.



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6. Accordingly, this Writ Petition is dismissed with liberty to the petitioner to work out the remedy before the Competent Civil Court. No costs.

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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

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3. The Superintendent of Police,
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