



W.P.(MD) No.5111 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD) No.5111 of 2023

G.Sathish Kumar

... Petitioner

-vs-

- 1.The Principal Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Chennai-600 009
- 2.The Director General of Police
State of Tamil Nadu
Dr.Radhakrishnan Salai
Mylapore, Chennai
- 3.The Superintendent of Police
Tenkasi District
- 4.The Registrar
State Human Rights Commission
Tamil Nadu
143-P.S.Kumarasamy Raja Salai
Greenways Road, Chennai-28



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5.Suresh Kumar
Then Inspector of Police
Sivagiri Police Station
Now working as
Assistant Commissioner of Police
Control Room, Coimbatore City

6.G.Muniasamy
Son of Gurusamy
Then Police Constable
Sivagiri Police Station
Now working at
Puliangudi Police Station
Tenkasi

7.R.Jayaraj
Son of Raju
Then Police Constable
Sivagiri Police Station
Now working at
Karivalamvanthanallur Police Station
Tenkasi

8.S.Manikandan
Son of Subbiah
Then Police Constable
Sivagiri Police Station
Now working at
Kadayanallur Police Station
Tenkasi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 3 to initiate disciplinary proceedings against the respondents 5 to 8 based on the order dated 31.10.2022, passed by the fourth respondent Commission.



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For Petitioner : Mr.K.K.Udayakumar

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1
Mr.M.Veeranthiran
Government Advocate (Crl. Side) for R2 & R3
Mr.Deepak for R4

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Prayer in this writ petition reads as follows:

“For the reasons stated in the accompanying affidavit it is therefore prayed that this Hon'ble Court may be pleased to issue a writ or order or direction more in the nature of WRIT OF MANDAMUS directing the respondents 1 to 3 to initiate disciplinary proceedings against respondents 5 to 8 based on the order dated 31.10.2022, passed by the fourth respondent commission and pass such other orders as this Hon'ble Court may deem fit in the facts and circumstances of the case and thus render justice.”

2. A perusal of the order of the State Human Rights Commission shows that there is no direction for initiation of disciplinary action against the



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Police Officers. In the absence of any such direction, we do not think we can grant the prayer in the writ petition. The writ petition is, therefore, dismissed. It is, however, open to the petitioner to make appropriate representation to the Principal Secretary to Government, Home, Prohibition and Excise Department, Secretariat, Chennai-600 009, pointing out the order of the State Human Rights Commission and seek initiation of disciplinary action against the concerned Police Officers. No costs.

[R.S.M., J.]

[L.V.G., J.]

09.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
- 2.The Director General of Police,
State of Tamil Nadu,
Dr.Radhakrishnan Salai,
Mylapore, Chennai.
- 3.The Superintendent of Police,
Tenkasi District.



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