



W.P(MD)No.350 of 2019

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P(MD)No.350 of 2019

Sathiyadoss H.T

... Petitioner

vs.

- 1.The Director General of Police,
Law and Order, Mylapore,
Chennai.
- 2.The Inspector General of Police,
South Zone, Madurai.
- 3.The Deputy Inspector General of Police,
Nellai Circle,
Palayamkottai,
Tirunelveli District.
- 4.The Superintendent of Police,
Nagercoil, Kanyakumari District.
- 5.N.Bhaskaran,
The Deputy Superintendent of Police,
Nagercoil,
Kanyakumari District.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner's representation, dated 06.12.2018.

For Petitioner : M/s.S.Sulega
for Mr.K.Prabhu

For Respondents : Mr.J.John Rajadurai
Government Advocate (for R1 to R4)

No Appearance (for R5)

ORDER

This Writ Petition is filed with a prayer to issue a Writ of Mandamus to consider the representation of the petitioner, dated 16.12.2018.

2.Ms.S.Sulega, learned counsel appearing for the petitioner would contend that the petitioner had given all details of the abuse of power by the fifth respondent in the representation and the petitioner was put to grave prejudice on account of the action of the fifth respondent. When the petitioner's apprehension was genuine, the respondents 1 to 4 had a statutory duty to consider the representation.



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3.In the said representation, the petitioner is praying that the particular person, namely, the fifth respondent should not be transferred as Deputy Superintendent of Police to Kanniyakumari stating that he has a previous enmity with him and that he will utilise his official position so as to settle the issue with him. Firstly, in the counter affidavit filed by the respondents it is averred that the said petition is also considered and after enquiry they found no case to grant the relief and have closed the said petition. Secondly, such a prayer cannot be maintained and if at all, the said person had acted with any *mala fide* manner, the petitioner has only to complain about such an exercise of power and such preventive relief cannot be granted in reference to one person in a writ of mandamus in exercise of under Article 226 of the Constitution of India. Accordingly, finding no merits, this Writ Petition is dismissed. However, there shall be no order as to costs.

06.07.2023

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

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D.BHARATHA CHAKRAVARTHY,J.

sjj

To

- 1.The Director General of Police,
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ORDER MADE IN
W.P(MD)No.350 of 2019

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