



W.P.(MD).No.14180 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2023

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD).No.14180 of 2014

A.Sahayaselvam

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The District Superintendent of Police,
Kanyakumari District,
Nagercoil.

3.The District Social Welfare Officer,
Kanyakumari District,
Nagercoil.

4.The Inspector of Police,
District Crime Branch,
Nagercoil.

5.D.Krishnaveni

6.Muthammal

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner's representation dated 28.03.2013 and take appropriate action against the respondents 5 & 6.



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For Petitioner : Mr.T.Selvakumaran
For R-1 and R-3 : Mrs.D.Farjana Ghoushia,
Special Government Pleader.
For R-2 and R-4 : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor.
For R-5 and R-6 : Mr.Jegadeesha Pandian

ORDER

The Writ Petition has been filed seeking for a Mandamus to direct the respondents 1 to 4 to consider the petitioner's representation dated 28.03.2013 and to take appropriate action against the respondents 5 and 6 herein.

2. The case of the petitioner is that the fifth respondent is his wife and the sixth respondent is his mother-in-law. According to the petitioner, by his complaint dated 28.03.2013, he had called upon the respondents 1 to 4 to take action against the fifth and sixth respondents for defrauding the Government by producing the forged documents through which they have gained a benefit of Rs.20,000/-. Since there was no action initiated by the respondents as against the complaint of the petitioner dated 28.03.2013, the petitioner had approached this Court.



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3. The learned Additional Public Prosecutor appearing for the second and fourth respondents would draw the attention of this Court to paragraph 5 of the affidavit as well as to the closure report filed by the fourth respondent and contend that there was a closure report based on the enquiry was conducted as early as on 19.06.2013 on the complaint, of the allegations made by the petitioner. Had the petitioner been aggrieved by the same, he ought to have filed a protest petition. Hence, the Writ Petition filed by the petitioner is therefore not maintainable.

4. I have carefully considered the rival submissions made on either side.

5. The averments made in the Writ Petition would suggest that the petitioner has been making repeated complaints against the fifth and sixth respondents on the same set of allegations. The closure report of the fourth respondent would show that an enquiry was conducted on 15.03.2013. The present complaint, the petitioner seeks to be disposed of is 28.03.2013, that is after the completion of the enquiry. Even in the affidavit filed in support of this Writ Petition, the petitioner has specifically admitted that the fourth respondent herein had conducted an enquiry on 19.06.2013 and had filed a closure report, which he had obtained under the Right to Information Act. When the petitioner



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is aware of the closure report, he ought to have approached the appropriate forum by filing a protest petition. Therefore, the present Writ Petition as prayed for could not be entertained.

6. In view of the above, the Writ Petition is dismissed. There shall be no order as to costs.

09.01.2023

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

To

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The District Superintendent of Police,
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- 3.The District Social Welfare Officer,
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Nagercoil.
- 4.The Inspector of Police,
District Crime Branch,
Nagercoil.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court.



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K.KUMARESH BABU, J.

Lm

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