



W.P(MD)No.15216 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2023

CORAM:

THE HONOURABLE **MR.JUSTICE SUNDER MOHAN**

W.P(MD)No.15216 of 2018

Saai Vijay Kumaravel

... Petitioner

Vs.

- 1.The Secretary to the Government,
Home Department,
St.George Fort,
Chennai.
- 2.The Director General of Police,
Mylapore,
Chennai.
- 3.The Superintendent of Police,
Theni, Theni District.
- 4.The Deputy Superintendent of Police,(PCR Unit)
Theni District,
Theni.
- 5.R.Arivanandam,
The Deputy Superintendent of Police,
PCR Unit, Theni District,
Theni.

... 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 and 2 to take disciplinary proceedings against the respondents 4 and 5 for misusing his official position and compelling the petitioner to issue cheque in favour of the complainant notwithstanding the dispute is in civil nature, considering the representation preferred by the petitioner on 11.06.2018 within the period that may be stipulated by this Court.

For Petitioner : Mr.B.Jeyakumar
For R1 to R4 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor
For R5 : Mr.A.Palanikumar

ORDER

The prayer in the writ petition is for a Writ of Mandamus to direct the respondents 1 and 2 to take disciplinary proceedings against the respondents 4 and 5 for misusing their official position.

2.It is stated in the affidavit that on the basis of the complaint given by one V.S.Gowri Mohan Dhas, against the petitioner, the fourth



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and fifth respondents had interfered with the civil dispute. During enquiry of the said complaint, the respondents 4 and 5 forced the petitioner to issue four cheques in the name of V.S.Gowri Mohan Dhas. Hence, the petitioner sent a representation to the respondents 1 and 2 to take action against the respondents 4 and 5.

3.The learned Additional Public Prosecutor appearing for the respondents 1 to 4 submitted that pursuant to the representation made by the petitioner, the Additional Superintendent of Police, Theni, conducted an enquiry and found that the complaint of the petitioner was baseless. On enquiry, he found that both the petitioner and the said V.S.Gowri Mohan Dhas, had lodged the complaints against each other and both the complaints were closed, after enquiry.

4.In view of the above, this Court finds that the representation of the petitioner has already been considered by the respondents 1 and 2 and found that the fourth and fifth respondents had acted in accordance with law and they did not misuse their official position. Hence, the prayer



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sought for in this writ petition to consider the petitioner's representation, dated 11.06.2018, does not arise. Hence, this Writ Petition is dismissed.

No costs.

12.01.2023

NCC : Yes/No

Index : Yes / No

Internet : Yes / No

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To

1.The Secretary to the Government,
Home Department,
St.George Fort,
Chennai.

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

3.The Superintendent of Police,
Theni, Theni District.

4.The Deputy Superintendent of Police,(PCR Unit)
Theni District,
Theni.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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