



W.P.(MD).No.25019 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.25019 of 2023

Ganesan

Vs.

... Petitioner

1. The Secretary to Government,
Home Department,
The Secretariat
Fort St.George,
Chennai – 600 009.
2. The Director General of Police,
Mylapore,
Chennai.
3. The Superintendent of Police,
Pudukkottai District,
Pudukkottai.
4. The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.
5. Premkumar,
The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.



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6. Murugesan,
Special Sub-Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.

7. Ilamaran
Sub Inspector,
Aranthangi Police Station,
Pudukkottai District.

... 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 2 and 3 to initiate departmental and /or disciplinary action against the respondents No.5 to 7 independently on the basis of the representation given by the petitioner, dated 03.10.2023.

For Petitioner : Mr.P.T.Kannan

For Respondents : Mr.T.Villavan Kothai
Additional Government Pleader
For -R1 to R4

ORDER

The present writ petition has been filed by the petitioner seeking a mandamus directing the respondents 2 and 3 to initiate departmental action as against the respondents 5 to 7, on the basis of the representation given by the petitioner, dated 03.10.2023.



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2. From the averments made in the affidavit, it is seen that the petitioner is the landlord of the premises, in which, his tenant is running a TASMAL Bar. A dispute has arisen between the petitioner and his tenant with regard running the TASMAL Bar after the alleged period of license had expired. In the altercation, an FIR came to be registered as against the petitioner in Crime No.260 of 2023.

3. According to the learned counsel appearing for the writ petitioner, on the request of the petitioner, the EB Officials have disconnected the electricity connection of the tenant. However, with the help of the respondents 5 to 7, the tenant was able to restore the electricity. The police authorities have no power whatsoever to restore the electricity service connection. They have acted in a high handed manner beyond their jurisdiction and hence, disciplinary proceedings have to be initiated as against the respondents 5 to 7 herein.

4. A perusal of the affidavit and the allegation made in the representation given by the writ petitioner to the first respondent herein would reveal that there is a serious civil dispute between the writ petitioner



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and his tenant. In the writ petition, it has been admitted that at the request of the petitioner, the Electricity Board has disconnected service connection to the tenant. Therefore, it could be seen that the landlord without resorting to the legal proceedings, has approached the Electricity Board authorities for disconnecting the electricity service connection of the tenant. In such a view of the matter, the tenant has chosen to approach the police officials to restore the electricity service connection.

5. Therefore, this Court, without expressing any opinion on the FIR that was registered as against the writ petitioner, does not find any merit in the writ petition. Allegation has been made by the writ petitioner, that the police officials have registered the F.I.R only on the basis of the complaint lodged by the tenant.

6. The grievance of the petitioner is that his complaint as against the tenant has not been registered by the police officials and hence the petitioner's remedy lies elsewhere and the writ petition is not maintainable.



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7. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

15.11.2023

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

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