



W.P.No.37225 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2024

CORAM :

THE HONOURABLE **DR. JUSTICE D.NAGARJUN**

W.P.No.37225 of 2016

S.Thamaraiselvan

... Petitioner

Vs.

1. The Commissioner of Police,
Veppery, Chennai.
2. The Joint Commissioner of Police,
Ambattur Range, Chennai.
3. The Deputy Commissioner of Police,
Ambattur Range,
Chennai.
4. Christi Jayaseelan
The Inspector of Police,
SRMC Police Station,
Porur, Chennai

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus, directing the respondents no 1 to 3 to consider the petitioner representation letter dated 13.10.2016 and further directing the 1 to 3 respondents to take disciplinary action against the 4th respondent.



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For petitioner	:	Mr.M.Elumalai
For R1 to R3	:	Mr.P.Gurunathan Additional Government Pleader
For R4	:	No appearance

ORDER

This writ petition is filed seeking for issue of a mandamus directing the respondents no 1 to 3 to consider the petitioner's representation dated 13.10.2016 and further direct them to take disciplinary action against the 4th respondent.

2. The facts in brief as per the affidavit enclosed in this writ petition are as follows:

2.1. The petitioner is the owner and is in possession of the land in survey No.260/1 and new survey No.260/607 situated in Porur Village, Maduravayol Taluk, Chennai, with patta No.5114 and 5115. It was purchased from Santhakumari under a registered sale deed bearing document No.12890 of 2016 on his name and also on his mother's name. Prior to the purchase of the land some land grabbers have created forged sale deed in



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respect of the land on which its previous owner Santhakumari, The said Santhakumari lodged a complaint before the Central Crime Branch (CCB), who have registered an FIR against the said land grabbers in Crime No.71 of 2014 for the offenses under Sections 420,465,466,467,468 r/w 107 of IPC. The revenue authorities have also given a report to the police that the said property belongs to one Santhakumari. Santhakumari has filed a O.S.No.555 of 2012 against the land grabbers on the file of PDM Court, Poonamallee. She has filed a representation before the concerned police on 23.02.2014 for providing police protection to the said land. As there was no response from the police has filed Crl.O.P.No.4447 of 2014 on the file of this Court and by an order dated 04.03.2014, this Court directed the police to consider the representation of the Santhakumari dated 23.02.2014 and act in accordance with law. Accordingly, police protection was given. When some strangers were trying to trespass into the said land Santhakumari has filed Crl.O.P.No.8094 of 2014 for certain directions and as per the directions of this Court FIR was registered against the said strangers. Subsequently, the strangers have filed a suit in O.S.No.35 of 2014 on the file of the District Court, Poonamallee, which is still pending.



3. On 10.10.2016 at about 10:00 a.m. on the instruction of the third respondent, Deputy Commissioner of Police, Ambattur and also 30 unsocial elements trespassed into the property with knives and took away the movable properties, viz., CCTV camera, DVR, LED, Tv Sticks etc. The petitioner has lodged complaint to the third respondent, but the third respondent in collusion with the unsocial elements did not give CSR to the petitioner. The petitioner came to know that the Inspector of Police/fourth respondent has received an amount of Rs.10,00,000/- from the strangers. The petitioner has filed a representation dated 13.10.2016 seeking to initiate disciplinary action against the fourth respondent. As no action was taken this writ petition is filed seeking to give directions to initiate disciplinary proceedings against the fourth respondent/ Inspector of Police. Hence, sought for issuance of direction by way of mandamus.

4. The learned Additional Government Pleader representing the respondents one to three would submit that the allegations of the petitioner against the third and the fourth respondent are baseless and that law is settled that mandamus cannot be given for initiating disciplinary proceedings against the public servants and hence, sought for dismissal of this writ petition.



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5. During the course of hearing, the learned counsel for the petitioner, has submitted that he is not pressing the relief of seeking for a mandamus for a direction to the respondents one to three to initiate disciplinary proceedings against the fourth respondent. However, it is submitted that insofar as the first prayer is concerned, the respondents one to three should have taken some steps to pass orders in respect of the petitioner's representation dated 13.10.2016. The learned Additional Government Pleader submitted that if specific time frame is given the petitioner's representation dated 13.10.2016 would be disposed of in the manner known to law.

6. In view of the above submission made by the learned Additional Government Pleader, this writ petition is allowed in part directing the respondents one to three to consider the petitioner's representation dated 13.10.2016 and dispose of the same, as quickly as possible, at a rate not later than six weeks from the date of receipt of a copy of this order. The prayer insofar as issuance of mandamus seeking for a direction to direct the respondents one to three to take disciplinary proceedings against the fourth



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respondent is dismissed. No costs.

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Index : Yes/No
Internet : Yes/No
Citation : Yes/No

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