



W.P.No.4962 of 2016

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2024

CORAM:

THE HONOURABLE MRS.JUSTICE N. MALA

W.P.No.4962 of 2016

Ibrahim

...

Petitioner

Vs.

1. The Director General of Police
Mylapore,
Chennai 600 004.

2. The Commissioner of Police,
Coimbatore City,
Coimbatore.

3. Murugesan
4. Kandasamy
5. Ramesh
6. Selvakumari

... Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, to issue Writ of Mandamus directing the respondents 1 and 2 to initiate appropriate legal action against the officers viz., respondents 3 to 5 who are responsible for acting in excess of jurisdiction, law and powers being not vested with them and to consequently direct payment of damages and compensation as may be quantified by this Court.

For Petitioner : Mr.L. Chandrakumar

For Respondents : Mrs.S.Anitha

Spl. Government Pleader for R1 & R2

No appearance for R3 to R6



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ORDER

This writ petition has been filed to direct the respondents 1 and 2 to initiate appropriate legal action against the officers viz., respondents 3 to 5 who are responsible for acting in excess of jurisdiction, law and powers being not vested with them and to consequently direct payment of damages and compensation as may be quantified by this Court.

2. The case of the petitioner is that the petitioner and the 6th respondent entered into an agreement of sale on 22.07.2015 agreeing and accepting respectively to sell and purchase the property situated at T.S.No.319/2, Kuniamuthur Village. Some dispute seems to have arose between the petitioner and the 6th respondent and therefore the petitioner filed a suit in O.S.No.1605 of 2015 on the file of the Subordinate Court, Coimbatore for permanent injunction with liberty to file another suit for specific performance. During the pendency of the suit, the 6th respondent with the aid of the respondents 3 to 5 had the petitioner taken to the Pothanur Police Station and there the respondents 3 to 5 tortured the petitioner. Therefore the petitioner has filed the writ petition for the aforesaid relief.



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3. The learned Special Government Pleader appearing for the 2nd respondent drew the attention of this Court to the counter affidavit dated 26.04.2016 filed on behalf of the 2nd respondent and it is relevant to extract para No.7 of the counter affidavit which reads as follows:-

“7. As regard the averments in para no.7 of the affidavit, it is submitted that the respondents 3 to 5 have exercised their official duty and complied with procedure in dealing with the complains and grievances from the general public. They have acted as per the established rules, issued CSR, conducted enquiry, registered FIR based on the merit of the complaint and outcome of inquiry, produced the accused before the jurisdictional Judicial Magistrate. The concerned Judicial Magistrate has remanded the accused as per law. Hence, it cannot said to be that the respondents 3 to 5 surrendering to the extraneous consideration of 6th respondent”.

4. In view of the specific contention of the 2nd respondent stated in the counter affidavit that due procedure has been followed, I find no merits in this writ petition. Accordingly, this writ petition stands dismissed. No costs.

07.08.2024

dpq

Index : Yes /No

Speaking Order : Yes/No



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N. MALA, J.

dpq

To

1. The Director General of Police
Mylapore,
Chennai 600 004.
2. The Commissioner of Police,
Coimbatore City,
Coimbatore.

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