



WEB COPY



W.P. No. 25311 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.25311 of 2024

N.Gurumoorthy

... Petitioner

Vs.

1. The District Collector,
Tiruvannamalai-606 604.
2. The Deputy General of Police,
Mylapore, Chennai.
3. The Commissioner of Police,
Solinganallur (Tambaram Zone)
Solinganallur-600 119.
4. The Deputy Commissioner of Police,
Melakottaiyur, Chennai.
5. The Inspector of Police,
Chitlapakkam Police Station (T13),
Jothi Nagar, Chennai.
6. Andrue(SI)
7. Arumuga Swamy

... Respondents



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PRAYER : Writ Petition is filed under Article 226 of Constitution of India, for the issuance of Writ of Mandamus, directing the 2nd respondent criminal action against the 6th and 7th respondents judicial wise. Harassed my family members without warrant and proper notice, dated on 27.08.2021, ladies only in house all three persons entered in side house and life threatened by the Chitlapakkam Police IPC 166A(c) Violation. Same day arrested my brother Mr.N.Venkatesan at Tiruvannamalai by the T12 of Chitlapakkam Police next day released, Article 21 Violation. And police record book also not recorded this illegal arrest . Fradley did and abuse of the power and process not followed the Lalitha Kumar Judgment.

For Petitioner : Mr.N.Gurumoorthy(P-In-P)

For Respondents : Mr. S. Udaya Kumar,
Government Advocate (Crl.Side)
for R1 to R5

ORDER

The petitioner herein being aggrieved by the search conducted in his residence and residence of his brother Venkatesan at Thiruvannamalai pursuant to pendency of HCP filed by his wife is before this Court to direct the second respondent take action against the sixth and seventh respondent based on his representation given on various dates, since there was gross violation of his fundamental rights and privacy.



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2. According to the petitioner who has appeared in person submitted that there is a dispute between him and his wife and HMOP filed for divorce is pending. While so, seeking custody of the child, his wife has preferred HCP before the High Court in HCP.No.1312 of 2021. Pursuant to that, the respondents 6 and 7 had made an illegal search in his house and taken away his brother and kept under illegal custody of more than 24 hours. In this connection, he has made the representation to the higher officials on various dates, but, the same has not been considered by them. Hence, the present writ petition seeking mandamus to act up on his representaton.

3. This Court after hearing the petitioner who appeared in person and the portion of the cross-examination, he has done to witness Saranya Chandra Sekhar who is none other than his wife finds that the petitioner is under a wrong impression that his personal liberty and his brother's liberty been violated by the respondent police 6 and 7 under the guise of conducting search of the child.

4. According to the petitioner when there were only female members in the house, male police ought not to have entered into the



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house. Further more, the illegal custody of his brother Venkatesan by the police is in violation of Article 21 of Indian Constitution. Even according to the petitioner the said Venkatesan who was taken into judicial custody released on the next day.

5. The HCP.No.1312 of 2021 filed by the wife of the petitioner has made the respondent police to conduct search of the child. The search team not expected to know the residence will be occupied only by female members and no male members. Further more, there is no specific bar under law, the male police should not enter into the house pursuant to search, if there are any female members inside the house. The dispute between the petitioner and his wife has led to filing HCP seeking custody of the children. In this connection, the respondent 6 and 7 had entered into the house to search the child. This Court finds no evidence of violation of fundamental right to entertain the writ petition. Hence, this Writ Petition is dismissed. No order as to costs.

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Vv



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Dr.G.JAYACHANDRAN,J.

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