



Writ Petition No.26439 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.26439 of 2024

A.Prabhu

S/o.Arumugam

... Petitioner

Vs.

1.The Secretary to Government,
Home Department, Fort St.George,
Chennai - 600 009.

2.The Director General of Police,
Mylapore, Chennai - 4.

3.The Inspector General of Police,
West Zone, Coimbatore.

4.The Superintendent of Police,
Namakkal District, Namakkal.

5.Ramakrishnan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the first respondent to consider and pass orders on merits by disposing of the written representation made by the petitioner on 27.04.2024 within a stipulated time.



WEB COPY



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For Petitioner : Mr.C.Prakasam

For Respondents : Mr.P.Balathandayutham
Special Government Pleader [R1 to R4]

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus directing the first respondent to consider the representation made by the petitioner on 27.04.2024 wherein the petitioner has sought for initiating disciplinary proceedings against the fifth respondent.

2. Heard Mr.C.Prakasam, learned counsel for petitioner and Mr.P.Balathandayutham, learned Special Government Pleader appearing for respondents 1 to 4.

3. The case of the petitioner is that there was a civil dispute between the petitioner and a builder. The same resulted in civil proceedings in O.S.No.137 of 2021 on the file of District Munsif, Salem. The further case of the petitioner is that a false case was foisted against the petitioner in Crime No.681 of 2021 and it was done with the active connivance of the Inspector of Police, who is the fifth respondent in this writ petition.



4. The criminal proceedings ultimately resulted in filing of final report and the trial was conducted in S.C.No.17 of 2023 on the file of Assistant Sessions Judge, Salem. The trial Court, on appreciating the facts and circumstances of the case and the evidence available, came to a conclusion that no case has been made out against the petitioner.

5. The grievance of the petitioner is that he had to undergo the criminal prosecution for no fault of his and the petitioner is squarely blaming the fifth respondent. Hence, the petitioner made a representation dated 27.04.2024 in this regard to the first respondent to initiate disciplinary proceedings against the fifth respondent. Since the same was not considered, the present writ petition has been filed.

6. Taking into consideration the facts and circumstances of the case and the nature of grievance expressed by the petitioner, there shall be a direction to fourth respondent to deal with the representation/complaint given by the petitioner on 27.04.2024 on its own merits and in accordance with law after affording an opportunity to the fifth respondent. The fourth respondent shall take a final decision within a period of six (6) weeks from the date of receipt of a copy of this order.



Writ Petition No.26439 of 2024

N.ANAND VENKATESH, J

gm

7. The petitioner is directed to make a fresh representation to the fourth respondent along with all relevant documents and also a copy of this order.

This writ petition is disposed of with the above direction. No costs.

09.09.2024

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order

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To

1.The Secretary to Government,
Home Department, Fort St.George,
Chennai - 600 009.

2.The Director General of Police,
Mylapore, Chennai - 4.

3.The Inspector General of Police,
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