



W.P.(MD).No.692 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.692 of 2024

Subaitha Begam

Vs.

... Petitioner

1. The Secretary to Government,
Home Department,
Secretariat,
Fort St.George,
Chennai – 600 009.
2. The Director General of Police,
Mylapore,
Chennai.
3. The Superintendent of Police,
Sivagangai District,
Sivagangai.
4. The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
5. Hari Krishnan,
Sub Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.



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6. Gnyani

Special Sub-Inspector of Police,
Sivagangai Town Police Station,
Sivagangai 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 1 and 2 to initiate departmental and or disciplinary action against the respondents No.5 and 6 independently on the basis of the representation given by the petitioner dated 27.11.2023.

For Petitioner : Mr.V.Kannan

For R1 to R4 : Mr.A.Baskaran
Additional Government Pleader

For R5 and R6 :Mr.Balamuruganantham

ORDER

The instant Writ Petition has been filed seeking a Mandamus for a direction as against the respondents 1 and 2 to initiate departmental/ disciplinary action as against the respondents 5 and 6 for their alleged excesses committed on 24.11.2023 while entering into the house of the writ petitioner.



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2. According to the learned counsel appearing for the writ petitioner, the private respondents, namely, respondents 5 and 6 have entered into the house of the petitioner and they have abused them and they have physically attacked the petitioner. It is the further allegation that a false criminal case has been lodged as against them in Crime No.644 of 2023, on the file of the Sivagangai Town Police Station. Therefore, the petitioner has given a representation on 27.11.2023 to the third respondent seeking for initiating departmental action as against the respondents 5 and 6 herein. Since there is no response, the present writ petition has been filed.

3. Per contra, the learned Additional Government Pleader appearing for the respondents 1 to 4 had filed a counter and relying upon the said counter, has contended that the petitioner's husband has been implicated as an accused in at least 15 cases of illegal lottery selling and in almost all the cases, he has pleaded guilty and paid fine. As far as the present crime No.644 of 2023 is concerned, it is pending. Therefore, only for the purpose of conducting investigation, the respondents 5 and 6 have entered into the premises of the writ petitioner because of their habitual involvement in illegal sale of lottery and that too, at 11.30 a.m.



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4. In view of the above said facts, this Court is of the considered opinion that initiating departmental action is the prerogative of the employer concerned and this Court cannot compel the employer to initiate departmental action as against their employees. In case, if the petitioner is aggrieved over the alleged excesses said to have been committed by the private respondents, it is open to them to initiate appropriate proceedings before the appropriate forum.

5. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs.

28.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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