

W.P.(MD) No.3166 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.02.2025

CORAM

THE HONOURABLE **MR.JUSTICE P.DHANABAL**

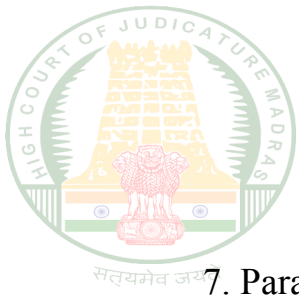
W.P(MD)No.3166 of 2025

S.Moorthi

... Petitioner

Vs

1. The Director General of Police,
Beach Road,
Mylapore,
Chennai - 600 004.
2. The Deputy Inspector General of Police,
Madurai Circle, Out Post,
K.Pudur,
Madurai - 625 002..
3. The Superintendent of Police,
Thenkasi District,
Tenkasi.
4. Sundar,
Inspector of Police,
Puliankudi Police Station,
Tenkasi District.
5. Thiruppathi,
Grade II Constable,
Puliankudi Police Station,
Tenkasi District..
6. Kannan



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7. Parameswara Pandian

... Respondents

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PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 3rd respondent to take disciplinary proceedings and departmental action against the 4th and 5th respondents for misusing of their power in accordance with dictum laid down in the Lalitakumari vs State of UP on the basis of the petitioner's representation dated 21.01.2025.

For Petitioner : Mr.N.Balasubramanian

For Respondents :

For R1 to R3 : Mr.R.M.Anbunithi

Additional Public Prosecutor (Crl. Side)

ORDER

This writ petition has been filed by the petitioner to direct the 3rd respondent to take disciplinary proceedings and departmental action as against the respondents 4 and 5 for misusing their power by considering the representation dated 21.01.2025 in accordance with law.

2. Mr.R.M.Anbunithi, learned Additional Public Prosecutor takes notice for the respondents no.1 to 3.

3. According to the petitioner, the respondents no. 6 and 7



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approached the petitioner on 14.12.2022 for borrowing loan amount of Rs.5,00,000/- to the 7th respondent and again on 16.02.2022, they demanded loan to him. Thereafter, he gave a sum of Rs.5,00,000/- to the 7th respondent and in the month of November of 2024, he demanded the respondents no.6 and 7 to repay the amount. For that, the 6th and 7th respondents issued a cheque dated 03.02.2025 drawn on State Bank of India, Puliyangudi Branch. While the facts being so, on 17.01.2025 at about 9.30 a.m., the Inspector of Puliyangudi Police Station / 4th respondent herein called the petitioner for the enquiry on the complaint lodged by the 6th and 7th respondents and the petitioner has also appeared before the 4th and 5th respondents, and they threatened him to return the cheques and pro-notes issued by the 6th and 7th respondents. Due to the threats made by the 4th respondent, he handed over the cheque and pro-note to the 6th and 7th respondents. Therefore, the respondents no.4 and 5 have misused their power and thereby, he sent representation against the respondents no.4 and 5 dated 21.01.2025 and the same has not been considered. Hence, he filed this petition.

4. The learned counsel appearing for the petitioner would submit that the respondents no.4 and 5 have misused their powers and threatened



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the petitioner to return the cheques and pro-note of the 6th and 7th respondents for the loan borrowed by them. Due to the threat made by the 4th and 5th respondent, the petitioner has also handed over the cheque and pro-note to them. Therefore, the 4th and 5th respondents have misused their power and thereby, he sent a representation dated 21.01.2025 to the higher authorities to take action against them and same has not been considered.

5. The learned Government Advocate appearing for the respondents no.1 to 3 would submit that the petitioner sent a representation dated 21.01.2025 and the same is under enquiry and they will complete the enquiry within a short span of time.

6. Considering the representation made on either side and the prayer of the writ petitioner is in respect of taking departmental action, this Court cannot issue direction under Article 226 of the Constitution of India to take disciplinary proceedings since it is between the department and the 4th and 5th respondents. However, the petitioner made a representation to the respondents no.1 to 3 dated 21.01.2025 and the same is under enquiry before the 3rd respondent. Therefore, it is for the 3rd respondent to pass



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appropriate order in accordance with law and on merits. Hence, the 3rd

respondent is directed to dispose the representation of the petitioner dated 21.01.2025 in accordance with law and on merits within a period of 3 weeks from the date of receipt of this order.

7. With the above said observation and direction, this writ petition is disposed of. No costs.

04.02.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
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To

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2. The Deputy Inspector General,
Of Police, Madurai Circle,
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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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P.DHANABAL, J.

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