



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2015

CORAM:

THE HONOURABLE Mr.JUSTICE M.M.SUNDRESH

Writ Petition (MD)No.5065 of 2015

WEB COPY

Mariammal

...Petitioner

Vs.

1. The District Collector,
Thoothukudi District,
Thoothukudi.
2. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
3. The Inspector of Police,
Kovilpatti West Police Station,
Kovilpatti,
Thoothukudi District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to forbear the first respondent from invoking Act 14 of 1982 against the petitioner's son namely Chinna Jameen in view of the false case foisted in Crime No.173 of 2015 dated 06.03.2015 pending on the file of the third respondent.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents: Mr.M.Murugan

Government Advocate

ORDER

The Writ Petition has been filed seeking a Writ of Mandamus, to forbear the first respondent from invoking Act 14 of 1982 against the petitioner's son namely Chinna Jameen.

2. Heard the learned Counsel for the petitioner and the learned Government Advocate, who takes notice for the respondents.

3. By consent, the Writ Petition itself is taken up for final disposal.

4. The above said prayer has been sought for by the petitioner on the premise that the defacto complainant in Cr.No.173 of 2015 has sent a letter to the respondents stating that he has not given the complaint.

5. The learned Government Advocate, on instructions, submitted that as on today, the provisions of Act 14 of 1982 has not been invoked against the petitioner's son.

6. The prayer sought for by the petitioner in the writ petition is not maintainable, since it is the subject to the satisfaction of the respondent No.1 to decide, whether Act 14 of 1982 has to be invoked against the petitioner's son or not. However, considering the submissions made by the learned Counsel for the petitioner, the first respondent, and the learned Government Advocate, I consider the representation, said to have been made by the defacto complainant in Cr.No.173 of 2015, in the event of taking any decision to invoke Act 14 of 1982 against the petitioner's son.



7. Accordingly, the writ petition is disposed of with the above observations. No costs.

Sd/-
Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Thoothukudi District,
Thoothukudi.
2. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
3. The Inspector of Police,
Kovilpatti West Police Station,
Kovilpatti,
Thoothukudi District.

+1cc to the Special Government Pleader in SR.17525

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