

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE SATISH K. AGNIHOTRI

AND

THE HONOURABLE DR.JUSTICE P.DEVADASS

W.A.No.1697 of 2015

D.Arun ... Appellant

Vs.

- 1.P.Subramani
 - 2.Inspector of Police,
Latheri Police Station,
Latheri,
Vellore District
(Crime No.257 of 2004)
 - 3.The Registrar General,
High Court of Madras,
Madras-104.
(R-3 impleaded suo motu as party
third respondent vide order
dated 14.12.2015)
- ... Respondents

Appeal filed under Clause 15 of the Letters Patent against the order passed by this Court dated 15.10.2015 passed in W.P.Sr.No.101724 of 2015.

WP.Sr.NO.101724 of 2015: Writ Petition filed under Section 226 of constitution of India, praying to issue a Writ of Mandamus directing both the respondent Nos.1 & 2 jointly and severably to pay compensation of amount of Rupees Two Hundreds and Seventy Crores @ the rate of 5% percentage interest per month till the date of order of the case to the Petitioner for the losses occurred dated from 27.09.2004 to 02.07.2015 by both the respondent Nos.1 & 2 for filing of false drama case on the petitioner and with willfully violation of Human Rights to the Petitioner by the respondent No.2 to the Petitioner.

WA.NO.1697 of 2015: Writ Petition filed under Section 226 of constitution of India, praying to issue a Writ of Mandamus directing both the respondent Nos.1 & 2 jointly and severably to pay compensation of amount of Rupees Two Hundreds and Seventy

Crores @ the rate of 5% percentage interest per month till the date of order of the case to the Petitioner for the losses occurred dated from 27.09.2004 to 02.07.2015 by both the respondent Nos.1 & 2 for filing of false drama case on the petitioner and with willfully violation of Human Rights to the Petitioner by the respondent No.2 to the Petitioner.

For appellant : Mr.D.Arun,
Party-in-person

For Respondents: No appearance for R-1
Mrs.A.Srijayanthi, Spl.G.P for R-2
Mr.V.Vijayashankar for R-3

JUDGMENT

(Judgment of the Court was made by SATISH K. AGNIHOTRI, J.)

With the consent of the appearing parties, this writ appeal is taken up for final hearing.

2 Mr.D.Arun, Party-in-person, seeking a writ of mandamus against first and second respondents, jointly and severally, to pay compensation to the tune of Rupees two hundred and seventy crores with interest at the rate of 5% till the date of order for the losses incurred by him from 27th September, 2004 to 2nd July, 2015 on the ground that false cases were foisted on him, has filed the instant writ petition.

3 According to the appellant /petitioner, the petitioner was chargesheeted for the alleged offence under Section 294(b) and 325 IPC before the Judicial Magistrate, Katpadi, which ended in conviction and sentence on 27th February, 2014. Thereagainst, an appeal, being Criminal Appeal No.17 of 2014 preferred before the Principal District and Sessions Court, Vellore, resulted in setting aside the conviction and sentence. Thus, the petitioner suffered losses on account of false prosecution. Consequently, he is entitled to compensation for the same.

4 Raising objection in respect of registration of the petition for placing before the High Court on judicial side, the matter was listed before the learned Single Judge at the SR stage.

5 The learned Single Judge, considering the matter on merit, upheld the objection raised by the Registry and held the petition as not maintainable.

6 We have examined the case from all angles. There are two aspects. One is registration of the case for placing before the court on judicial side to examine the maintainability on merit. The second is registration of the case in accordance with the procedure laid in the High Court Rules.

7 According to the appellant / writ petitioner, the fundamental right to life and liberty of the appellant is violated, as the appellant was chargesheeted and convicted not in accordance with law, which resulted in acquittal at the appellate stage. Thus, the appellant is entitled to compensation.

8 This issue requires consideration on judicial side as to whether in given facts, as aforesaid, the appellant is entitled to compensation or not. The High Court, on administrative side through Registry, examines only registrability of the petition. At the stage of registration of the case, as SR number was given, the matter was placed before the Court to examine whether it is registrable or not. The question of maintainability may be examined on registration of the petition in accordance with the procedure.

9 If a person believes that his fundamental right or legal right has been infringed at the hands of the public authority, he is entitled to approach the Court under public law remedy under Article 226 of the Constitution of India. We are not inclined to examine the same in detail at this stage. The appellant has impleaded the second respondent, who is the public body, seeking for certain reliefs. Thus, the writ petition is registrable for being examined on judicial side. The registration of the petition itself cannot be denied at the threshold without there being examination on the question of maintainability on judicial side.

10 Resultantly, we allow the appeal and set aside the objection raised by the Registry for registration of the case. We direct the Registry to register the writ petition and place it before the appropriate Bench to consider maintainability of the case on judicial side, on its own merit and in accordance with law and constitutional provisions. No costs.

-s/d-

Assistant Registrar(CO)
dt:01/02/2016

True Copy

Sub-Assistant Registrar

To

1. Inspector of Police,
Latheri Police Station,
Latheri,
Vellore District
(Crime No.257 of 2004)

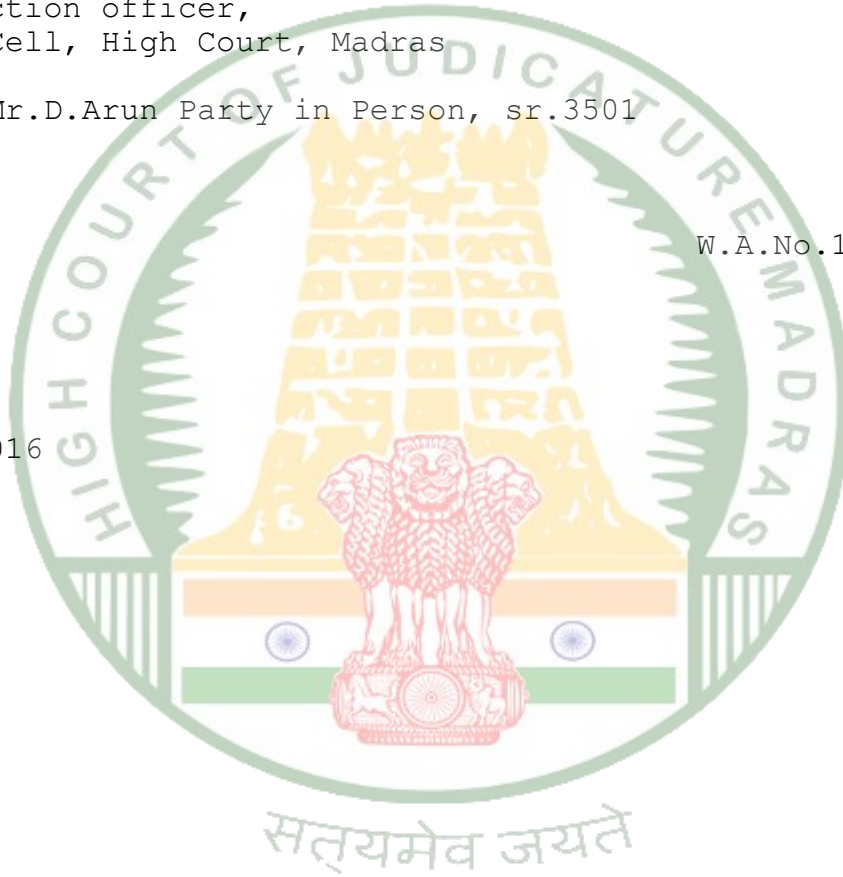
2. The Registrar General,
High Court of Madras,
Madras-104.

3. The Section officer,
Legal Cell, High Court, Madras

+1 cc to Mr.D.Arun Party in Person, sr.3501

W.A.No.1697 of 2015

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