

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.02.2016

Coram :

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P.No.27206 of 2015 &
M.P.Nos.1 & 2 of 2015

P. Krishnaveni

[PETITIONER]

Vs

The Forest Range Officer
Head Quarters Range
DMS Campus, Teynampet,
Chennai - 600 006.

[RESPONDENT]

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari to call for the records pertaining to STOR No. 3/2003-04 dated 26.03.2004 on the file of the Respondent and quash the same.

For Petitioner : Mrs.S.Sridevi

For Respondent : Mr.N.Inbanathan
Govt.Advocate

O R D E R

Heard Mrs.S.Sridevi, learned counsel for the petitioner and Mr.N.Inbanathan, learned Government Advocate appearing for the respondent and with their consent, the Writ Petition is taken up for final disposal.

2.The petitioner has filed this Writ Petition, challenging the proceedings dated 26.03.2004 in STOR No.3 of 2003-04.

3.On a perusal of the impugned proceedings, it is seen that it is only an Information Report submitted by the Forest Range Officer to the District Munsif cum Judicial Magistrate, Thiruvottiyur Court. As the impugned proceedings is in the nature of First Information Report and therefore, on the grounds raised by he petitioner, the impugned proceedings cannot be quashed. Therefore, the Writ Petition is liable to be dismissed. Furthermore, the petitioner is said to have given a complaint before the P-6 Koodungaiyur Police Station, which was registered as F.I.R.No.173/04 for the offences under sections

448, 323 and 354 IPC, for the alleged occurrence on 06.03.2004. During the course of arguments, the learned counsel for the petitioner fairly admitted that nothing has transpired on the said complaint and the petitioner has also not followed up the matter thereafter.

4.The learned counsel for the petitioner has referred to the decision of the learned Single Judge of this Court in MOOSA v. THE DISTRICT FOREST OFFICER AND ORS [W.P.NOs.44993 OF 2006 & 35290 OF 2007] and it is submitted that the petitioner therein was the first accused and his Writ Petitions have been allowed and confirmed by the Hon'ble Division Bench in W.A.No.1400 of 2014 dated 03.11.2014. It is further submitted that though the Special Leave Petition has been admitted against the said Judgment and no order of interim stay has been granted.

5.The decision in the case of MOOSA (referred above) has absolutely no application to the facts and circumstances of the present case. In the said Writ Petition, the petitioner (Moosa) challenged the order of ***confiscation** of red sanders dated 23.02.2004 and the order cancelling the possession licence dated 23.02.2004. Therefore, it is on those facts, the Judgment was rendered. In fact the learned counsel for the petitioner would fairly admits that in the order passed in the Writ Petition, nor in the Judgment delivered by the Hon'ble Division Bench, there is any reference to the petitioner herein.

6.Hence, for all the above reasons, the Writ Petition being premature, is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

**Corrected as per order dated
25.04.2016 under the caption
'per Being mentioned' made in
WP 27206/15**

Sd/-

**Assistant Registrar(CS V)
20.04.2016**

//True Copy//

Sub Assistant Registrar

To

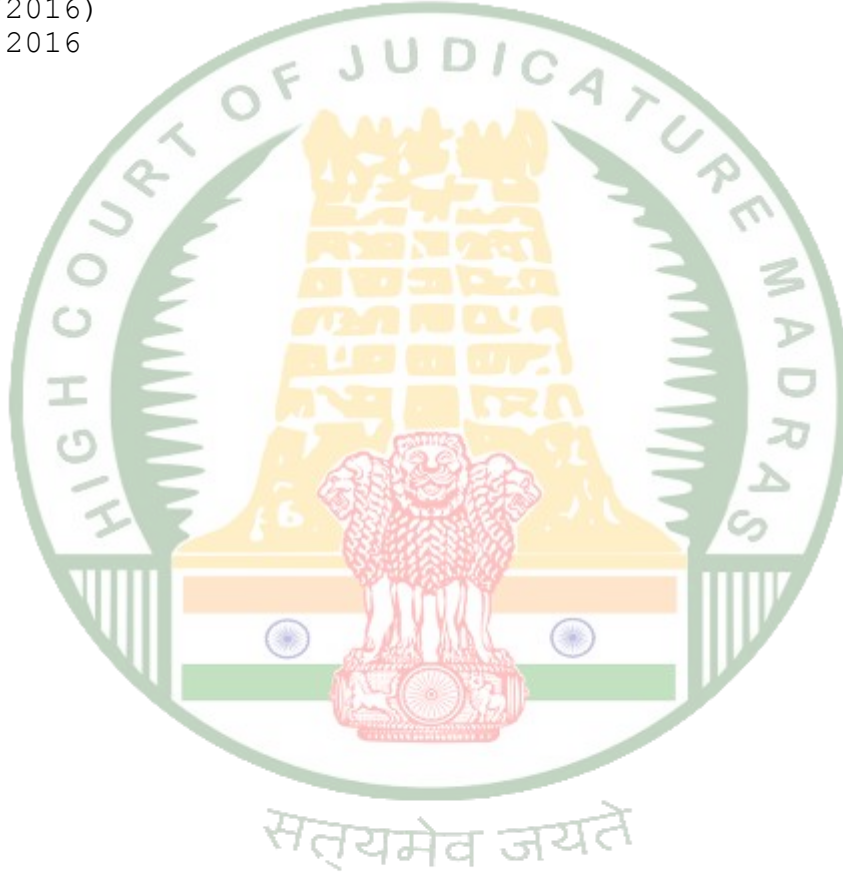
The Forest Range Officer,
Head Quarters Range,
DMS Campus, Teynampet,
Chennai - 600 006

To be substituted to the
order already despatched
on 18.03.2016.

+1cc to M/S.Sridevi, Advocate, S.R.No.10660
+1cc to the Government Pleader, S.R.No.10512

W.P.No.27206 of 2015

sns (CO)
srg (03/03/2016)
kra 27.04.2016



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