



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN  
and  
THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Appeal (MD) No.1409 of 2015  
and  
Writ Petition (MD) No.21977 of 2015

S.Vaithilingam ... Appellant and Writ Petitioner

Vs.

1.The District Collector,  
Tirunelveli District,  
Tirunelveli.

2.The Revenue Divisional Officer,  
Tenkasi,  
Tirunelveli District.

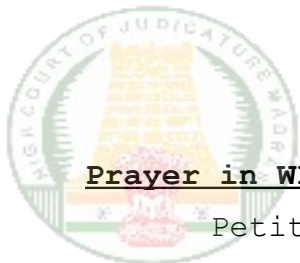
3.The Block Development Officer,  
Alangulam Union,  
Alangulam, Tirunelveli District. ... Respondents in both W.A.&W.P

4.The Inspector of Police,  
Uthumalai Police Station,  
V.K.Puthur Taluk,  
Tirunelveli District. ... 4<sup>th</sup> Respondent in W.A.No.1409 of 2015

**Prayer in W.A. (MD) No.1409 of 2015:** Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 04.11.2015 made in W.P. (MD) No.19337 of 2015.

**Prayer in WP (MD) . 19337/ 2015 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the Respondents 1 to 3 to conduct proper enquiry in Crime No.95 of 2015 on the file of the 4th Respondent in order to maintain peace, social discipline and Law and Order at Vengateshwarapuram in Kadanganeri village Panchayat, Alangulam Taluk, Tirunelveli District based on the representation of the petitioner dated 02.03.2015 within the period stipulated by this Honble Court.



**Prayer in WP(MD) . 21977/ 2015 :**

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents to control and maintain the peace and social discipline interrupted at Vengateshwarapuram in Kadanganeri Village Panchayat, Alangulam Taluk, Tirunelveli District based on the representation of the petitioner dated 02.03.2015 within the period stipulated by this Court.

|                   |                             |
|-------------------|-----------------------------|
| For Appellant     | : Mr.Ananth C.Rajesh        |
| For Respondents   | : Mr.A.K.Baskarapandian,    |
| (In both W.A& WP) | Special Government Pleader. |

**JUDGMENT**

(Judgment of the Court was delivered by V.RAMASUBRAMANIAN,J)

The appellant in the writ appeal and the petitioner in the writ petition are one and the same person. The appellant is the elected President of a Village Panchayat namely, Kadanganeri Village Panchayat, Alangulam Taluk, Tirunelveli District.

2.It appears that a complaint in Crime No.95 of 2015 was registered on the file of the Uthumalai Police Station, Tirunelveli District on 10.04.2015 against several persons including the appellant herein for alleged offences under Sections 147, 148, 294(b), 324, 307 and 506(ii) I.P.C. read with Section 3(2)(v) of the SC and ST Prevention of Atrocities Act, 1989.

3.Thereafter, the appellant came up with the first writ petition in W.P(MD)No.19337 of 2015 seeking two kinds of reliefs namely, (a) to direct the respondent police to conduct proper enquiry in Crime No.95 of 2015 and (b) to maintain peace, social discipline and law and order in the village.

4.When the first writ petition in W.P(MD)No.19337 of 2015 came up for hearing before the learned Judge, the learned Judge was informed that charge sheet has already been filed by the police on 26.06.2015 and the case is converted into P.R.C.No.46 of 2015 before the Sub Court, Tirunelveli. The appellant was also taken into custody and later let on bail. Therefore, the learned Judge by an order dated 04.11.2015 dismissed the writ petition. As against the dismissal, the appellant has come up



with the writ appeal in W.A(MD)No.1409 of 2015.

5.Subsequently, the appellant has also come up with the second writ petition in W.P(MD)No.21977 of 2015. The prayer made in this writ petition is for a mandamus to direct the police to control and maintain peace and social discipline in the village. In other words, the second relief sought in the first writ petition has been made into the sole relief sought in the second writ petition. The second writ petition was filed after the dismissal of the first writ petition. Therefore, the second writ petition was not even maintainable. Hence, W.P(MD)No.21977 of 2015 is dismissed.

6.Coming to the writ appeal, it is seen that the grant of the second relief would tantamount to interference in the course of administration of justice in the criminal case in which a charge sheet has already been filed. Therefore, the learned Judge was right in rejecting even the second relief prayed for by the appellant in his first writ petition. Hence, the writ appeal is also dismissed. No costs.

Sd/-

Assistant Registrar(Co)

/True Copy/

Sub Assistant Registrar.

To

1.The District Collector,  
Tirunelveli District,  
Tirunelveli.

2.The Revenue Divisional Officer,  
Tenkasi, Tirunelveli District.

3.The Block Development Officer,  
Alangulam Union,  
Alangulam, Tirunelveli District.

4.The Inspector of Police,  
Uthumalai Police Station,  
V.K.Puthur Taluk, Tirunelveli District.

+1CC to Mr.Ananth C. Rajesh, Advocate, SR.No.404

+1CC to The Special Government Pleader SR.No. 449.

Writ Appeal(MD) No.1409 of 2015  
and

Writ Petition (MD)No.21977 of 2015