

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.25754 of 2017

Marie Therese Anandi
Vanina Rajarathnam

.. Petitioner

Vs.

1. The Director (Antiquities)
Office of the Director General,
Archaeological Survey of India,
11, Janpath,
New Delhi.
2. The Registering Officer,
Archaeological Survey of India,
Chennai Circle, St.George, Fort,
Chennai-600 009.
3. The Registering Officer,
Department of Archaeology and Museums,
Shivappanayaka Palace,
Near Kota Anjaneyaswamy temple,
Shimoga-577 202.
4. The Chief Investigation Officer/
Deputy Superintendent of Police
Idol Wing-CID, Guindy,
Chennai-32.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the first respondent to pass appropriate orders based on the petitioner's representation dated 06.04.2017 within time to be stipulated by this Court and consequently to direct the second and third respondents to act as per the direction of the first respondent.

For Petitioner : Mr.D.Senthil Kumaar

For Respondents : Mr.R.Govindasamy
Special Government Pleader for R4

O R D E R

Mr.R.Govindasamy, learned Special Government Pleader takes notice for the 4th respondent. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the 4th respondent.

3. The petitioner seeks for a Mandamus directing the first respondent to pass appropriate order on her representation dated 06.04.2017, wherein and whereby, she sought for intervention of the respondents 1 to 3 and inspect the subject matter idols and issue certificate as if it belongs to the petitioner.

4. Perusal of the facts and circumstances as narrated in the affidavit filed in support of the writ petition and also by considering the admitted fact that a criminal case is pending investigation in respect of the subject matter idols as well as the other idols recovered from the premises of the petitioner and one Deenadayalan and others and by considering the further fact as stated by the learned Government Advocate appearing for the 4th respondent that the petitioner is also arrayed as one of the accused in the said criminal case, this Court is not inclined to entertain the present writ petition, even though the same is filed seeking for a direction to the respondents 1 to 3 to consider the petitioner's representation dated 06.04.2017. Needless to say that when the criminal prosecution is already launched and is in the stage of investigation, parallel proceedings in the form as projected by the petitioner, cannot be entertained. Therefore, I find no merits to entertain the writ petition. Accordingly, the writ petition is dismissed. No costs.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

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Chennai-32.

+1cc to Mr.D.SenthilKumar, Advocate SR.No.71315

+1cc to Government Pleader SR.No.71400

SDR 13.10.2017

W.P.No.25754 of 2017

सत्यमेव जयते

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