



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**
AND
THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.A. [MD] .No.824 of 2017

Manickam : Appellant/Petitioner

Vs.

1.The District Revenue Divisional Officer,
Kuliithalai, Karur District.

2.The Inspector of Police,
Kulithalai Police Station,
Karur District.

3.Velmurugan

4.Periyasamy : Respondents/Respondents

PRAYER: Writ Appeals are filed under Clause 15 of the Letters Patent praying to set aside the order, dated 07.06.2017 made in W.P.(MD) No.10514 of 2017.

Prayer in WP(MD) . 10514/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus directing the 1st Respondent to initiate proceedings under section 145 of Cr.P.C against the Respondents 3 and 4 and their henchman and to pass such further or other orders as this Honble High Court.

For Appellant : Mr.R.Murugappan

For R1 and R2 : Mr.V.Muruganantham
Additional Government Pleader

JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard Mr.R.Murugappan, learned counsel appearing for the appellant and Mr.V.Muruganantham, learned Additional Government Pleader appearing for the respondents 1 and 2. Notice to the respondents 3 and 4 is dispensed with.



2.By consent of both sides, this writ appeal itself is taken up for final disposal.

3.The appellant/writ petitioner is aggrieved by the order passed in W.P(MD)No.10514 of 2017 filed by him wherein, he sought a direction upon the first respondent to initiate proceedings under Section 145 of Cr.P.C. The learned Single Bench, in our view, rightly held that the Court cannot issue the writ of mandamus to direct the Executive Magistrate to arrive at a subjective satisfaction and initiate Section 145 Cr.P.C., proceedings. Further, the dispute appears to be a private dispute between the petitioner and the respondents 3 & 4. Thus, there is no error in the order passed by the writ Court. Accordingly, the writ appeal is fails and dismissed.

Sd/-

Assistant Registrar(Writ)

/True Copy/

Sub Assistant Registrar

To

1.The District Revenue Divisional Officer,
Kulithalai, Karur District.

2.The Inspector of Police,
Kulithalai Police Station,
Karur District.

+1cc to Mr.R.Murugappan Advocate in SR. No.62491

+1cc to The Special Government Pleader in SR. No.62721

AM/IS

JS/MR/KKR/SAR.3/6.7.2017/2P-5C



**T.S.SIVAGNANAM, J.
AND
P.VELMURUGAN, J.**

WEB COPY

am/ls

To

- 1.The District Revenue Divisional Officer,
Kuliithalai, Karur District.
- 2.The Inspector of Police,
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Karur District.

**JUDGMENT MADE IN
W.A. [MD].No.824 of 2017**

28.06.2017