



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.A. [MD] .No.1091 of 2016

and

C.M.P. (MD) .No.6581 of 2016

Vinoth Kumar Jain : Appellant/4th Respondent
Vs.

1.The Revenue Divisional Officer,
Madurai Revenue Division,
Office of the Collectorate, Madurai 20.

2.The Commissioner of Police,
Madurai City, Madurai.

3.Ammiyappan : Respondents/Respondents 1 to 3

4.K.Ramasamy : Respondent/Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 29.04.2015 made in W.P.(MD).No.13686 of 2014, on the file of this Court.

Prayer in WP(MD) 13686/2014:

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the first respondent to dispose the petitioner's petition in the form of complaint dated 13.10.2012 made to the second respondent and referred under Section 145 Cr.P.C. by the second respondent within the time bound based on the petitioner's representation made to the first respondent on 11.03.2014.

For Appellant : Mr.R.Janakiramulu

For Respondent Nos.1&2 : Mr.VR.Shanmuganathan
Special Government Pleader

JUDGMENT

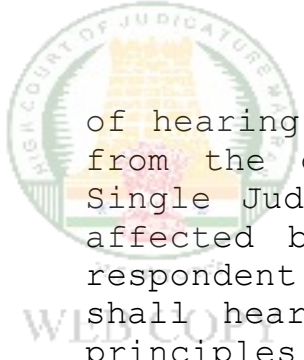
[Judgment of the Court was made by **R.SUBBIAH, J.**]

This Writ Appeal has been filed challenging the order dated 29.04.2015 made in W.P.(MD).No.13686 of 2014.

2. The said Writ Petition was filed by the fourth respondent herein seeking a Writ of Mandamus to direct the first respondent herein to dispose of his petition, which was filed in the form of complaint dated 13.10.2012, made to the second respondent herein and referred to under Section 145 of the Code of Criminal Procedure, based on the representation made by him dated 11.03.2014.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The learned Single Judge of this Court, by order dated 29.04.2015, after hearing the learned counsel on either side, directed the first respondent to dispose of the appeal/proceedings under Section 145 of the Code of Criminal Procedure, on its own merit and in accordance with law, after affording due opportunity



of hearing to all necessary parties, within a period of six weeks from the date of receipt of a copy of the order. The learned Single Judge also made it clear that if any third party will be affected by the nature of the relief sought for by the fourth respondent or any order to be passed, the authority concerned shall hear such person to avoid the allegation of violation of principles of natural justice. The said order is challenged by the appellant/the fourth respondent.

4. Though very many contentions have been raised by the learned counsel for the appellant on factual aspects, a perusal of the order passed by the learned Single Judge, we are of the considered view that the learned Single Judge has not given any positive direction to the official respondents. The learned Single Judge has only directed the official respondents to dispose of the appeal/proceedings under Section 145 of the Code of Criminal Procedure, on its own merit and in accordance with law, after affording due opportunity of hearing to all necessary parties, within a time frame. Under such circumstances, we are of the considered view, there is no need to interfere with the order passed by the learned Single Judge. Therefore, the Writ Appeal is closed, directing the official respondents to dispose of the appeal/proceedings under Section 145 of the Code of Criminal Procedure, as directed by the learned Single Judge. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Writs)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Revenue Divisional Officer,
Madurai Revenue Division,
Office of the Collectorate, Madurai 20.

2.The Commissioner of Police,
Madurai City, Madurai.

+1 cc to MR.R.JANAKIRAMULU,ADVOCATE, SR NO: 3287
+1cc to M/S.THE SPECIAL GOVERNMENT PLEADER, SR NO: 3080

NB

sva/mr/vb/30.01.2017/2p/5c