



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

W.P. (MD) No. 10514 of 2017

WEB COPY

Manickam

: Petitioner

-Vs-

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

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

3. Velmurugan

4. Periyasamy

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to initiate proceedings under Section 145 of Cr.P.C., against the respondents 3 and 4 and their henchman.

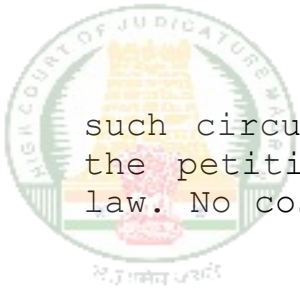
For Petitioner : Mr. R. Murugappan

For Respondents 1&2 : Mr. T. S. Mohammed Mohideen,
Additional Government Pleader

ORDER

It appears that there is a dispute between the petitioner and the third and fourth respondents with regard to the enjoyment of a Well, which is alleged to be in the possession of the petitioner. In this regard, the petitioner has given a representation dated 16.03.2017 to the first and second respondents and has now filed the present Writ Petition for a direction to the first respondent to initiate proceedings under Section 145 Cr.P.C., against the third and fourth respondents.

2. In the considered opinion of this Court, such a direction cannot be issued, because, such proceedings can be initiated only when the Executive Magistrate is satisfied that there is likely to be a breach of peace and not otherwise. This Court cannot by a Mandamus direct the Executive Magistrate to arrive at a subjective satisfaction and initiate Section 145 Cr.P.C., proceedings. That apart, the dispute appears to be a private dispute between the petitioner and the third and fourth respondents, in which, a proceedings under Section 145 Cr.P.C., cannot be initiated, unless it is likely to spill over resulting in breach of peace. Under



such circumstances, the Writ Petition is closed with liberty to the petitioner to work out his remedies in the manner known to law. No costs.

Sd/-

Assistant Registrar(CS-I)

/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 SPECIAL GOVERNMENT PLEADER in SR. No.59059

+1cc to M/s. R.MURUGAPPAN Advocate in SR. No.58951

SML

JS/SV/SAR.3/13.6.2017/2P-5C

Order made in

W.P. (MD) No.10514 of 2017

Dated: 07.06.2017