



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2017

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH**W.P. (MD) No.414 of 2017**

WEB COPY

P.Muthuraman

... Petitioner

-vs-

1. The District Collector,
The District Collector Office,
Pudukkottai.
2. Mr.S.Gabriel Charles,
Deputy Tahsildar,
Ponnamaravathi Taluk,
Pudukkottai District.
Now Working as Tahsildar at
O/o Thirumayam Taluk Office,
Pudukkotai District.
3. Mr. Augustin,
Village Administrative Officer,
Vazhakurichi Village,
Kuzhipirai Post,
Ponnamaravathi Taluk,
Pudukkottai District.
Now Working as
Village Administrative Officer,
Nerunjikudi Village & Post,
Thirukogarnam Via,
Ponnamaravathi Taluk,
Pudukkottai District.

4. Mrs.Manimehalai

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the 1st respondent to accord sanction to prosecute the respondents 2 and 3 as stipulated under section 197 of Cr.P.C. by considering the petitioner's representation dated 26.05.2016.

For Petitioner : Mr. K.Balasundharam
For Respondents : Mr.T.S.Mohammed Mohideen
Addl. Govt. Pleader

O R D E R

It is the case of the petitioner that the revenue officials had issued a patta wrongly to the 4th respondent and thereby, they have committed the offences under the Indian Penal Code and for prosecuting them, the petitioner has given a representation dated 26.05.2016 to the District Collector, Pudukkottai, seeking sanction under Section 197 of the Code of Criminal Procedure.



Heard the learned counsel the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

In the considered opinion of this Court, such a Mandamus cannot be granted, because granting of Patta in favour of a party cannot amount to an offence and if the petitioner is aggrieved by the grant of such a patta, remedy is provided under law to prefer an appeal before the higher authorities. The question of sanction under section 197 Cr.P.C. can never arise in a case of this nature. Even in the representation dated 26.05.2016, the petitioner stated that there is no necessity for obtaining sanction to prosecute the revenue authorities, but, however, he is seeking sanction as a measure of abundant caution. In the considered opinion of this Court, sanction for abundant caution is unknown to criminal law.

In the result, this writ petition is devoid of merits and the same is, accordingly, dismissed.

Sd/-

Assistant Registrar (Protocol)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
The District Collector Office, Pudukkottai.

2. Mr.S.Gabriel Charles, Deputy Tahsildar,
Ponnamaravathi Taluk, Pudukkottai District.

Now Working as Tahsildar at
O/o Thirumayam Taluk Office, Pudukkotai District.

3. Mr. Augustin,
Village Administrative Officer,
Vazhakurichi Village, Kuzhipirai Post,
Ponnamaravathi Taluk, Pudukkottai District.

Now Working as
Village Administrative Officer,
Nerunjikudi Village & Post,
Thirukogarnam Via,
Ponnamaravathi Taluk,
Pudukkottai District.

+1 CC to M/s.THE SPECIAL GOVERNMENT PLEADER, SR No. 19366

+1 CC to M/s.K.BALASUNDHARAM, Advocate, SR No. 50017

GK/RR

PSM/MR/SAR4/13.04.2017/2P/6C