



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2017

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THE HON'BLE MR.JUSTICE P.N.PRAKASH

W.P. (MD) No.4833 of 2017

S.Subramani

... Petitioner

-vs-

1. The Superintendent of Police,
In the Campus of District Collector,
Thanthontrimalai, Karur,
Karur District.
2. The State Rep. by
The Inspector of Police,
District Crime Branch,
Karur, Karur District.
3. The Regional Transport Officer,
Ramanathapuram,
Ramanathapuram District.
4. The District Registrar,
Department of Registration,
In the Campus of District Collector,
Thanthontrimalai, Karur District.
5. A.Karuppanan
6. A.Samiyappan
7. S.Maryammal
8. K.Latha
9. S.Ananth
10. V.K.Aravinth
11. M.Selvaraj
12. S.Senbagam
13. K.Manoharan
14. M.Kavitha
15. M.Sakthivel
16. S.Maharani
17. M.Saraswathi
18. R.Palanisamy
19. P.Sellammal
20. V.Rajendran
21. R.Prema
22. S.Balakrishnan
23. B.Malathi
24. S.Palaniammal
25. P.Ramasamy
26. R.Kavitha
27. R.Kavitha
28. S.Jeyanthi

... 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 forward the petitioners representation dated 25.02.2017 to the 2nd Respondent for further consideration on merits and accordance with law with regard to the criminal acts as committed by the Respondents No.5 to 28 in renewing the permit in respect of the bus bearing Registration Nos.TN 50 Z 1616 and TN 47 K 3502 by means of forging the Petitioner's signatures and also the act of manipulation committed in the replacement of the said route buses application forthwith and also further manipulations in the Form II-A submitted in the nature of declaration in respect of the Partnership Firms and also in the change of Constitution of Firms by means of Form-V before the 4th Respondent and dispose of the same within a time frame as stipulated by this Hon'ble Court forthwith.

For Petitioner : Mr.S.Palani Velayutham
 For R1 to R4 : Mr.T.S.Mohammed Mohideen,
 Addl. Govt. Pleader

O R D E R

This petition has been filed to direct the 1st Respondent to forward the petitioners representation dated 25.02.2017 to the 2nd Respondent for further consideration on merits and accordance with law with regard to the criminal acts as committed by the Respondents No.5 to 28 in renewing the permit in respect of the bus bearing Registration Nos.TN 50 Z 1616 and TN 47 K 3502 by means of forging the Petitioner's signatures and also the act of manipulation committed in the replacement of the said route buses application forthwith and also further manipulations in the Form II-A submitted in the nature of declaration in respect of the Partnership Firms and also in the change of Constitution of Firms by means of Form-V before the 4th Respondent and dispose of the same.

2. It is seen that this petitioner has given a representation dated 25.02.2017 to the 1st respondent making certain allegations against R5 to R28 and thereafter filed the present writ petition for a mandamus to the 1st respondent to forward his representation to R2.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the State.

4. It is the allegation of the petitioner that R5 to R28 have forged the signature of this petitioner and submitted several documents to the Regional Transport Officer, Ramanathapuram in respect of certain bus route permits. Therefore, in effect, the petitioner has requested R2 to register a case as against R5 to R28.

5. Per contra, learned Additional Government Pleader submitted that on the complaint given by the respondents 5 to 28 against



this petitioner, a case in Crime No.17 of 2011 was registered and after completing the investigation, final report has been filed before the learned Judicial Magistrate No.I, Karur against the petitioner and others for offences under Sections 120(b), 405, 463, 477(A), 380 IPC r/w 109 IPC.

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6. Refuting the above submission, learned counsel for the petitioner submitted that registration of the case in Crime No.17 of 2011 has nothing to do with the allegation of the petitioner in his representation dated 25.02.2017 that has been given to the 1st respondent.

7. Be that as it may, it is the case of the petitioner that R5 to R28 have committed offences and therefore, it is always open to him to initiate criminal prosecution against them in the manner known to law as held by this Court in the case of Sugesan Transport Pvt. Ltd. represented by its Director Rajendra Sheth No.7C, Second Canal Cross Road Gandhi Nagar Adyar, Chennai 600 020 vs. The Assistant Commissioner of Police, J-2, Adyar Police Station, Adyar, Chennai 600 020 and another, reported in 2016 (2) CTC 286. Therefore, this petition is not maintainable in the light of the fact that there is no statutory obligation cast upon the first respondent to forward the representation of the petitioner to the 2nd respondent, when the Code of Criminal Procedure itself provides for a mechanism to redress the grievance of the aggrieved complainant.

With the above direction, this petition is closed. No costs.

Sd/-

Assistant Registrar (C)

/True Copy/

Sub-Assistant Registrar

To:

1. The Superintendent of Police,
In the Campus of District Collector,
Thanthontrimalai, Karur, Karur District.
2. The Inspector of Police, District Crime Branch,
Karur, Karur District.
3. The Regional Transport Officer, Ramanathapuram,
Ramanathapuram District.
4. The District Registrar, Department of Registration,
In the Campus of District Collector,
Thanthontrimalai, Karur District.

+One cc to Mr.S.palanivelayutham, Advocate, SR.No.16939

+One cc to The Special Government Pleader, SR.No.17056

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