



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2018

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.A(MD)No.1305 of 2017

P.Muthuraman

... Appellant/Petitioner

Vs.

1. The District Collector,
The District Collector Office,
Pudukkottai.
2. S.Gabriel charles,
Deputy Tahsildar,
Ponnamaravathi Taluk,
Pudukkottai District.
3. Augustin,
Village Administrative Officer,
Vazhakurichi Village,
Kuzhipirai Post, Ponnamaravathi Taluk,
Pudukkottai District.

4.Manimehalai

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 03.04.2017 made in W.P(MD)No.414 of 2017, on the file of this Court.

Prayer in WP(MD)NO. 414 OF2017 :

Writ Petition is filed under Article 226 of the Constitution of India, for issuance a Writ of Mandamus directing the 1st respondent to accord sanction to prosecute the respondents 2 to 3 as stipulated u/s.197 of Cr.P.C. by considering the petitioners representation dated 26.05.2016.

For Appellant	: Mr.P.Jamal Mohamed for Mr.K.Baalasundharam
For R - 1	: Mrs.J.Padmavathi Devi, Special Government Pleader.
For R - 2 & 3	: No appearance
For R - 4	: Mr.A.Arun Prasad

JUDGMENT

(Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.)

This writ appeal is directed against the order, dated 03.04.2017 passed in W.P(MD)No.414 of 2017.

2. The Writ Petition was filed for a Mandamus directing the first respondent/the District Collector to accord sanction to prosecute the respondents 2 and 3, who are the Deputy Tahsildar and the Village Administrative Officer, as stipulated under Section 197 of Cr.P.C., by considering the petitioner's representation, dated 26.05.2016.

3. The said writ petition was dismissed by the learned single Judge. Aggrieved over the same, the appellant/petitioner has preferred the present Writ Appeal.

4. Heard the submissions made on either side and perused the materials available on record.

5. The said Writ Petition was rightly dismissed as granting of patta is not an offence and the parties had got other avenues to challenge the same. Secondly, even in the representation dated 26.05.2016, the appellant/petitioner himself has stated that there is no necessity for obtaining sanction from the District Collector for prosecuting the respondents 2 and 3 and that the sanction is sought for only by way of an abundant caution to avoid any technical objection. Therefore, the order passed by the learned single Judge does not warrant any interference and there is no merit in this writ appeal.

6. In the result, the writ appeal is dismissed. No costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-I)

To
The District Collector,
The District Collector Office,
Pudukkottai.

+1cc to Spl.Government Pleader Sr.No.86219

ps

VB/RP/SAR1/10.10.2018/2P/3C