



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P. [MD]No. 5244 of 2019

K. Muniyandi

:Petitioner

Vs.

1.The Superintendent of Police,
Sivagangai District,
Sivagangai.

2. The Inspector of Police,
Anti Land Grabbing Special Cell,
Sivagangai, Sivagangai District.

:Respondents

PRAYER : Writ Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1st respondent to pass appropriate order based on the representation of the petitioner, dated 09.10.2018 and also on the recommendation of the second respondent, dated 30.01.2019 submitted to the first respondent.

For Petitioners : Mr.R. Murugan

For Respondents : Mrs.Bharathi

Government Advocate [Crl.Side]

ORDER

The present Petition is filed, to direct the 1st respondent to pass appropriate order based on the representation of the petitioner, dated 09.10.2018 and also on the recommendation of the second respondent, dated 30.01.2019 submitted to the first respondent.

2. A Division Bench of this Court reported in ***G.Prabakaran Vs. The Superintendent of Police, Thanjavur District and another-[2018-2-L.W.(crl.) 489]***, has already decided that before approaching the Court for registering an First Information Report, the petitioner needs to exhaust the statutory provisions embodied in the Criminal Procedure Code.

3. The present case is appears to be an attempt to get circumvene the said dictum of the Division Bench. What is not achievable directly, cannot also be achieved indirectly. The petitioner is now well advised to resort to statutory remedies provided in the code and as has been declared by the Division Bench



of this Court in the Authority cited supra.

4. Accordingly, the Writ Petition is dismissed. No costs.

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Sd/-

Assistant Registrar [Crl.Side]

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Superintendent of Police,
Sivagangai District, Sivagangai.

2. The Inspector of Police,
Anti Land Grabbing Special Cell,
Sivagangai, Sivagangai District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.MURUGAN, Advocate (SR-52049[F] dated 06/03/2019)

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06.03.2019

DS/ /SAR- (30.04.2019) 2P 5C