



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2019

CORAM

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P. (MD) Nos. 7077 and 7078 of 2019

and

W.M.P. (MD) Nos. 5675 to 5678 of 2019

P.Kathiravan
N.Selvaraj
2019

... Petitioner in W.P. (MD) No. 7077 of 2019
... Petitioner in W.P. (MD) No. 7078 of 2019

Vs.

1. The District Collector,
Collectorate,
Ramanathapuram,
Ramanathapuram District.

2. The Class II Executive Magistrate
Cum Tahsildar,
Paramakudi Taluk,
Paramakudi,
Ramanathapuram District.

3. The Sub-Inspector,
Keelaparuthiyur Police Station,
Ramanathapuram District.

... Respondents in both
petitions

COMMON PRAYER:- Petitions filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to call for the records pertaining to the impugned order in M.C.Nos.31 and 33/19, respectively dated 18.03.2019 on the file of the respondent No.2 and quash the same as illegal.

For Petitioners : Mr.S.Louis
For Respondents : Mrs.S.Bharathi
Government Advocate
(in both petitions)

ORDER

These writ petitions have been filed to quash the proceedings in M.C.Nos.31 and 33 of 2019 dated 18.03.2019 on the file of the second respondent.



2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate appearing for the respondents.

3. The Executive Magistrate has issued notices directing the petitioners to show cause why the action would not be initiated under Section 107 Cr.P.C. Contrary objection raised by the learned counsel for the petitioners to these notices is that the notices do not give the substance of the information received by the Executive Magistrate to warrant issuance of show cause notices.

4. The learned counsel for the petitioners relied upon the judgment in the case of **M.Krishnamurthy and others vs. Sub Divisional Magistrate cum Revenue Divisional Officer, Krishnagiri and another [(2017) 1 MLJ (Cr1) 257]**

5. In view of the judgment of the Division Bench of this Court cited supra, the present show cause notices dated 18.03.2019 issued by the Executive Magistrate cannot be sustained. Accordingly, the same are quashed and these writ petitions are allowed. However, there is no bar on the Executive Magistrate to issue a fresh show cause notices providing the substance of the information received for contemplating an action under Section 107 Cr.P.C.. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P AND A)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Collectorate,
Ramanathapuram,
Ramanathapuram District.

2.The Class II Executive Magistrate
Cum Tahsildar,
Paramakudi Taluk,
Paramakudi,
Ramanathapuram District.

3.The Sub-Inspector,
Keelaparuthiyur Police Station,
Ramanathapuram District.

+2cc to Mr.S.LOUIS, Advocate, SR.No. 58221

Order made in
W.P. (MD) Nos. 7077 and 7078 of 2019