



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD)No.4471 of 2020

S.Ravichandran

... Petitioner

Vs

1.The Superintendent of Police,
Ramanathapuram District.

2.The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider and dispose of the petitioner's complaint dated 05.12.2019 in accordance with law as expeditiously as possible preferably within the time stipulated as prescribed by this Court.

For Petitioner	: Mr.R.Anand
For Respondents	: Mrs.M.Ananthadevi Govt. Advocate (Crl. Side)

ORDER

Heard the learned counsel on either side.

2.The petitioner wants this Court to direct the respondents to dispose of his complaint dated 05.12.2019 expeditiously and in accordance with law.

3.The case of the petitioner is that vide document dated 06.02.2017, he purchased 12.5 cents of land in Survey No.114/14A in Kadambur village from Manickam, Velusamy and Chellasamy. The patta has also been changed in his favour. The petitioner had put up a super structure. Whiles, based on the complaint given by one Seenivasan, the petitioner was arrested and remanded to custody. The petitioner was in prison from 05.10.2019 till 23.10.2019. The petitioner has since come out on bail. When he returned to his native place on 30.11.2019, he found a tractor stationed inside his land. When he enquired, it was informed that it belongs to one Marimuthu. The petitioner approached the said Marimuthu in the very same evening and demanded as to why the tractor has been stationed on his land. Marimuthu stated that it was Seenivasan who asked him to do so. Marimuthu had also stated that the land in question belongs to him and Seenivasan. The petitioner further alleges that he was later



abused and criminally intimidated by Srineevasan. On the strength these allegations, the petitioner had filed a complaint dated 05.12.2019. The petitioner's grievance is that the second respondent is totally indifferent and had not taken any action. Hence, he filed this writ petition.

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4. When the matter was taken up for hearing, the learned Government Advocate (Crl. Side) submitted that the second respondent has since issued C.S.R. and had also issued summons to the petitioner but there is no cooperation from the petitioner herein.

5. Be that as it may, the learned Division Bench of this Court in a decision reported in **(2018) 4 MLJ (Crl) 513 (G.Prabakaran V. Superintendent of Police, Thanjavur District and another)** has held that Section 482 of Cr.P.C. cannot be invoked in all circumstances and that it is not an alternative to Section 156(3) of Cr.P.C. There is no exceptional circumstance in the case on hand. Therefore, the petitioner has to necessarily avail his remedy under Section 156(3) of Cr.P.C. Without doing so, the petitioner has straightaway moved this Court. Therefore giving liberty to the petitioner to move the Jurisdictional Magistrate under Section 156(3) of Cr.P.C., the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (Writs)

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/ /2020

Sub Assistant Registrar(CS)

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To:

1. The Superintendent of Police,
Ramanathapuram District.
2. The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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