

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.2026 of 2021
and WMP.No.2296 of 2021

R.Rajakumar,
S/o.T.R.Rajagopal.

... Petitioner

Vs.

- 1.The Government of India,
Ministry of Home Affairs,
rep. by The Secretary,
New Delhi.
- 2.The Director,
The Central Bureau of Investigation, (CBI)
New Delhi.
- 3.The Government of Tamil Nadu,
rep. by The Secretary Local Administration,
Fort St.George,
Chennai 600 009.
- 4.The District Collector,
Thiruvarur.
- 5.The Director General of Police,
Chennai 600 004.
- 6.The Superintendent of Police,
Thiruvarur.
- 7.The Inspector of Police,
Mannargudi,
Thiruvarur District.
- 8.The Sub-Inspector of Police,
Thalaiyamangalam P.S.,
Mannargudi TK,
Thiruvarur District.

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9.The Block Development Officer,
Mannargudi Tk,
Thiruvarur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, directing the respondents 1 & 3 herein to forthwith take appropriate action on the petitions dated 20.07.2020, 25.07.2020 and 31.07.2020 of the petitioner to direct the 2nd respondent or in the alternative the respondents 5 to 7 herein to register a case against the said B.Rajendran, Baskaran of Thalamangalam Village, Mannargudi Taluk and consequently initiate appropriate actions against the erring officials, the respondents 7,8 and 9 and proceed against them in accordance with law and consequently direct the respondents 1,3 and 5 herein to extend the benefits of building houses under the Hon'ble Prime Minister's Housing Scheme 2017-2019 and toilets under the Central Government's Swach Bharath Scheme, to the actual deserving beneficiaries of the lower and lower middle class and pass orders.

For Petitioner : Mr.S.Panneerselvam

For RR 5 to 8 : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor.

O R D E R

This writ petition has been filed for the issue of Writ of Mandamus, directing the respondents 1 & 3 herein to forthwith take appropriate action on the petitions dated 20.07.2020, 25.07.2020 and 31.07.2020 of the petitioner; to direct the 2nd respondent or in the alternative the respondents 5 to 7 herein to register a case against the said B.Rajendran, Baskaran of Thalamangalam Village, Mannargudi Taluk and consequently initiate appropriate actions against the erring officials, the respondents 7,8 and 9 and proceed against them in accordance with law and for consequential directions.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor, appearing on behalf of the respondents 5 to 8.

3.This petition is not maintainable, in view of the Order passed by a Division Bench of this Court in G.Prabhakaran v. The Superintendent of Police, Thanjavur reported in (2018) 2 LW CrI 489. The Hon'ble Supreme Court in its latest judgment rendered by a three Judge Bench in M. Subramaniam v. S. Janaki reported in (2020) 5 CTC 464, after relying upon Sakiri Vasu Case, has categorically held that the High Court cannot issue any direction for registration of FIR in exercise of its

jurisdiction under Section 482 of Cr.P.C. The Hon'ble Supreme Court held that the informant has to necessarily avail of the alternative remedy provided under Section 154(3) Cr.P.C., and Section 156(3)Cr.P.C. Liberty is given to the petitioner to workout his remedy as per the directions issued by the Division Bench in the order referred supra.

This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary,The Government of India,
Ministry of Home Affairs, New Delhi.
 - 2.The Director,The Central Bureau of Investigation,
(CBI), New Delhi.
 - 3.The Secretary Local Administration,
The Government of Tamil Nadu,
Fort St.George, Chennai 600 009.
 - 4.The District Collector, Thiruvarur.
 - 5.The Director General of Police, Chennai 600 004.
 - 6.The Superintendent of Police, Thiruvarur.
 - 7.The Inspector of Police, Mannargudi, Thiruvarur District.
 - 8.The Sub-Inspector of Police, Thalaiyamangalam P.S.,
Mannargudi TK, Thiruvarur District.
 - 9.The Block Development Officer,
Mannargudi Tk, Thiruvarur District.
 - 10.The Public Prosecutor, High Court, Madras.
- +1cc to Mr.Panneer selvam, Advocate, sr no.5523

W.P.No.2026 of 2021

MG (CO)
RMP (05/02/2021)