



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2021

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.23856 of 2021

J.Soundara Pandiyan

...Petitioner

Versus

1. The Superintendent of Police,
Anti Land Grabbing Special Cell,
Kallakurichi, Kallakurichi District.

2. The Deputy Superintendent of Police,
Anti Land Grabbing Special Cell,
Ulundurpet, Kallakurichi District.

3. The Inspector of Police,
Anti Land Grabbing Special Cell,
Kallakurichi, Kallakurichi District.

4. R.Thangamani

5. A.Vinayaga Murthy

...Respondents

PRAYER: This Writ petition has been filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents 1 to 3 to forthwith register a case on the basis of the complaint of the petitioner dated 25.08.2020 to investigate and to file a final report before the competent criminal court within a stipulated period.

For Petitioner : Mr.K.Selvaraj

For Respondent : Mr.A.Damodaran
Nos.1 to 3 Additional Public Prosecutor

ORDER

This writ petition has been filed to issue a writ of mandamus directing the respondents 1 to 3 to forthwith register a case on the basis of the complaint of the petitioner dated 25.08.2020 to investigate and to file a final report before the competent criminal court within a stipulated period.



2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondents 1 to 3.

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 Cr1 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 Article 226 of the Constitution of India. The Hon'ble Supreme Court held that the informant has to necessarily avail of the alternative remedy provided under Section 154 (3) of Cr.P.C., and Section 156 (3) of 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.

4. This writ petition is disposed of accordingly.

Sd/-
Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Superintendent of Police,
Anti Land Grabbing Special Cell,
Kallakurichi, Kallakurichi District.
2. The Deputy Superintendent of Police,
Anti Land Grabbing Special Cell,
Ulundurpet, Kallakurichi District.
3. The Inspector of Police,
Anti Land Grabbing Special Cell,
Kallakurichi, Kallakurichi District.
4. The Public Prosecutor,
High Court, Madras.

+1CC to Mr.K.Selvaraj, Advocate, Sr.No.57308

W.P.No.23856 of 2021

NRL (CO)

K.RK. (24.11.2021)