



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15755 of 2021

A.Law Rence

... Petitioner

Vs.

1.The Sub Collector,
Padmanathapuram,
Dakkalai,
Kanyakumari District.

2.The Revenue Divisional Officer,
Padmanathapuram,
Dakkalai,
Kanyakumari District.

3.Judid Shyba

4.Selvan Alias John Selvester

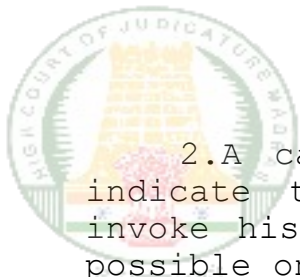
... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2, to consider the petitioner's representation dated 18.08.2021 within the time that may be stipulated by the Court.

For Petitioner	:	Mr.K.Ramamurthy
For R1 & R2	:	Mr.T.Senthil Kumar, Additional Public Prosecutor.

O R D E R

Heard the learned counsel for the writ petitioner and the learned Government Counsel for the official respondents. The petitioner and the private respondents herein were having a business relationship. The allegation of the petitioner is that the third and fourth respondents herein have broken open the business premises and are illegally running the same. In this regard, the petitioner has given a representation to the Executive Magistrate. He wants this Court to direct the Executive Magistrate to take action on his representation.



2.A careful reading of the petitioner's representation would indicate that the petitioner wants the Executive Magistrate to invoke his powers under Section 145 of Cr.P.C. Such invocation is possible only if the Executive Magistrate is satisfied that there is potential threat to breach of peace. The Writ Court cannot direct the Revenue Divisional Officer to initiate action under Section 145 of Cr.P.C. It is also seen that civil proceedings are pending between the parties. It is for the petitioner to file an I.A before the Court concerned where the civil proceedings are pending for appropriate relief. No direction can be issued to the second respondent to take action in the matter. Leaving open all his contentions and remedies, the Writ Petition is disposed of.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gbg/btr

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Sub Collector,
Padmanathapuram,
Dakkalai,
Kanyakumari District.

2.The Revenue Divisional Officer,
Padmanathapuram,
Dakkalai,
Kanyakumari District.

+1 CC to M/s.K.RAMAMURTHY, Advocate (SR-33985[F] dated 10/11/2021)
W.P (MD)No.15755 of 2021
08.11.2021

MGJ(18.11.2021) 2P 4C