



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.4076 of 2022

and

W.M.P.Nos.4209 &4212 of 2022

1. Selvam
2. Arjunan

... Petitioners

Vs.

1. The Superintendent of Police,
Superintendent office of Kallakurichi,
Kallakurichi District - 606 202.
2. The District Collector,
Kallakurichi District,
Kallakurichi - 606 202.
3. The District Registrar,
Kallakurichi District,
Kallakurichi - 606 202.
4. The Tahsildar,
Kallakurichi Taluk,
Kallakurichi District,
Kallakurichi - 606 202.
5. N.Palanisamy
6. Akasadurai

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, pleased to issue a Writ of Mandamus or order, or direction in the nature of writ, directing the 1st respondent to take action against the 5th and 6th respondents on the basis of the representation dated 15.12.2021 under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

For Petitioners

: Mr.S.Venkatesh

For R1

: Mr.A.Gokulakrishnan

Additional Public Prosecutor.

For R2 to R6

: No Appearance



O R D E R

This Writ Petition has been filed to direct the first respondent to take action against the 5th respondent and 6th respondents on the basis of the representation dated 15.12.2021 under the Scheduled Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989.

2. Heard the learned counsel and perused the materials available on record.

3. This petition is not maintainable, in view of the Order passed by a Hon'ble 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) of Cr.P.C., and Section 156 (3) of Cr.P.C. Liberty is given to the petitioners to workout their remedy as per the directions issued by the Hon'ble Division Bench in the order referred supra.

4. This Criminal Original Petition is disposed of accordingly. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ham/nr

To

1. The Superintendent of Police,
Superintendent office of Kallakurichi,
Kallakurichi District - 606 202.
2. The District Collector,
Kallakurichi District,
Kallakurichi - 606 202.



3. The District Registrar,
Kallakurichi District,
Kallakurichi - 606 202.

4. The Tahsildar,
Kallakurichi Taluk,
Kallakurichi District,
Kallakurichi - 606 202.

+1cc to Mr.S.Venkatesh, Advocate, S.R.No.13323

W.P.No.4076 of 2022
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EV(CO)
CT 18/03/2022