



WEB COPY



W.P.No.24615 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2022

CORAM :

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

W.P.No.24615 of 2021

and

W.M.P Nos.25893 & 25895 of 2021

M.Ramesh

... Petitioner

Vs

1.The Sub Divisional Magistrate
(North)
Puducherry.

2.The Tahsildar-cum-Executive Magistrate
Taluk Office, Puducherry

3.The Station House Officer
Otheansalai Police Station
Puducherry.

4.Carnel Vichnou Radje

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorari to call for the records pertaining to the issue of the order passed in M.C No.262/2021 under Section 145 Cr.P.C / 2417 dated 17.09.2021 and the consequent order dated 07.10.2021 in proceedings No.6039/SDM (N)/ D1/2021/2550 duly issued



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by the Sub Divisional Magistrate (North) / the 1st respondent herein and similarly the order dated 22.10.2021 in No.4004/TOP/Eviction/2021 duly issued by the Tahsildar-cum-Executive Magistrate, Taluk Office, Puducherry, the 2nd respondent and quash the same.

For Petitioner : Mr.D.Ashok Kumar

For Respondents : Mr.R.Sreedhar for R1 & R2
Additional Government Pleader

Mr.V.Balamurugane for R3
Public Prosecutor, Puducherry

Mr.J.Rajmohan for R4

ORDER

The Writ Petition has been filed, seeking to quash the 145 Cr.P.C. proceedings issued by the 1st respondent.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, Puducherry for the respondents 1 & 2 and also the learned Public Prosecutor, Puducherry for the 3rd respondent.

3. The learned Additional Government Pleader appearing for the



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respondents 1 & 2 submitted that since the petitioner had challenged the 145 Cr.P.C proceedings issued by the 1st respondent, the rightful course open to him is to file a revision petition before the trial Court.

4. Instead of filing a revision petition before the trial Court, the petitioner has filed this writ petition which is not maintainable and the petitioner is at liberty to file a revision petition by challenging the 145 Cr.P.C proceedings.

5. With the above observation, this Writ Petition is disposed of with a liberty to the petitioner to file a revision petition before the trial Court, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes/ No
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Otheansalai Police Station
Puducherry.
- 4.The Public Prosecutor
High Court of Madras.

R.N.MANJULA, J



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