



W.A(MD)No.257 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2022

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.A(MD)No.257 of 2022
and
CMP(MD)No.2443 of 2022

Sundaravadivel Servai

... Appellant

vs.

1. The Superintendent of Police,
Sivagangai District,
Sivagangi.

2. The Inspector of Police,
Kallal Police Station,
Sivagangai District.

3. The Tahsildar,
Karaikudi Taluk Office,
Sivagangai District.

4. Meiyandavar

5. Ulaganathan

... Respondents



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PRAYER : Writ Appeal filed under Clause 15 of Letters Patent, against the order passed in W.P(MD)No.489 of 2022 dated 10.01.2022.

For Appellant	: Mr.T.Mohan for Mr.R.Ponkarthikeyan
For R1 & R2	: Mr.S.Manikandan Government Advocate(Crl.Side)
For R3	: Mr.Veera Kathiravan Additional Advocate General assisted by Mr.K.Balasubramani Additional Government Pleader
For R4	: Mr.G.Prabhu Rajadurai

JUDGMENT

(Judgment of the Court was made by D.KRISHNAKUMAR, J.)

The Writ Appeal is directed against the order made in W.P(MD)No.489 of 2022 dated 10.01.2022.

2. The Writ Court by order dated 10.01.2022 has passed the following order:-

"2. This writ petition has been filed for directing the respondent police to grant police protection for conducting the petition mentioned Guru Pooja. The writ petition has been



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filed in the name of Sundaravadivelservai. The learned counsel appearing for the petitioner took a lunch motion slip from the Court. That is why, the matter came to be listed today for admission at 02.15 p.m.

3. When the matter was taken up for hearing, the learned Additional Public Prosecutor appearing for the official respondents submitted that Sundaravadivelservai, S/o.Lakshmanan Servai has given a categorical statement in writing that he has not signed the affidavit filed in support of this writ petition and he has not authorised the filing of the writ petition. Thereupon the petitioner's counsel was requested to furnish the phone number of Sundaravadivelservai. The learned counsel Mr.P.Muthusamy gave the mobile No.9865515353 and a call was made by the Court Officer and the recipient identified himself as Sundaravadivelservai and clarified that his signature has been forged. He confirmed the correctness of Aadhaar Card details which has been enclosed in page No.6 of the typed set of papers.

4. It is obvious that some third party has impersonated the petitioner herein. The third party had obviously access to the petitioner's personal details. I would not fault the counsel for the petitioner or even the attesting counsel. They will figure as witnesses. The person who impersonated the



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petitioner and the person who accompanied the impersonator should be prosecuted. One cannot tolerate fraud being played on the Court.

5. Even while dismissing this writ petition, I direct the Registrar (Judicial), Madurai Bench of Madras High Court, Madurai, to lodge a formal complaint before the jurisdictional police. The jurisdictional police will register a case of forgery and cheating against the unknown persons and investigate the matter and unearth the truth as early as possible.

6. This writ petition stands dismissed. No costs."

3. Assailing the aforesaid observation and direction given by the Writ Court, the writ petitioner/appellant has filed this appeal.

4. Today, when the writ appeal was taken up for hearing, learned counsel for the appellant submitted that pending this appeal, the appellant has moved WMP(MD)No.1522 of 2022 before the Writ Court to recall the observation and direction given in paragraphs 4 and 5 of the order dated 10.01.2022 made in W.P(MD)No.489 of 2022 and the Writ Court has allowed the said petition on 11.04.2022. The



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relevant portion of the said order is as follows:-

"5. Sundaravadivel Servai, petitioner herein is present in person before me. After going through the contents of the original affidavit and also the Vakalath filed therein, he categorically states that the signatures are very much his. I had given a direction for registering a criminal case only on the premise that the signatures found in the Vakalath and in the affidavit in W.P.(MD)No.489 of 2022 are not that of Sundaravadivel Servai. The signatures attributed to him can be disowned only by Sundaravadivel Servai and nobody else. In as much as Sundaravadivel confirms that it was he who signed the relevant papers as well as in the Vakalath, no purpose will be served in continuing the impugned prosecution.

6. In this view of the matter, the direction made in W.P. (MD) No.489 of 2022 stands recalled."

5. Since the Writ Court has recalled the observation and directions as stated above, learned counsel for the appellant submitted that the prayer in this writ appeal has become infructuous.



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WEB COPY 6. Thus, recording the said submission, this Writ Appeal is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K.,J.] & [R.V.,J.]
06.12.2022

Index : Yes / No
Internet : Yes
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and
R.VIJAYAKUMAR, J.

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JUDGMENT MADE IN
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