



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2022
CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9140 of 2022

K.Manickam

... Petitioner

Vs.

1.The Secretary to Government,
Registration Department,
Chennai.

2.The District Collector,
Madurai District.

3.Seetharaman,
Proprietor Agrini Apartment,
Aandalpuram,
Madurai.

4.Malaiyarasan,
Mill Manager (Retd).

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 & 2 to take necessary action against the respondents 3 and 4 to settle the charges and rendered by the petitioner for the execution of sale proceedings regarding the erstwhile Madurai Meenakshi Mills Pvt. Ltd., which was agreed by the 3rd respondent through his letter dated 20.07.2002.

For Petitioner : Mr.S.Arivalagan

For Respondents : Mr.K.S.Selvaganesan,
Addl. Government Pleader for R1 & R2
Mr.S.Parthasarathi for R3

ORDER

Heard the learned counsel for the writ petitioner, the learned Additional Government Pleader for the respondents 1 and 2 and the learned counsel for the third respondent.

2.The petitioner alleges that the third respondent had agreed to pay him a sum of Rs.10 Crores towards service charges for having facilitated the purchase of property that belonged to the erstwhile Meenakshi Mills Private Limited. Since the third respondent had not honoured his promise, the petitioner had given a complaint before the second respondent. Since the second respondent had not taken any action on the petitioner's complaint, this writ petition has been filed for directing the second respondent to take action on his complaint.



3.The petitioner/K.Manickam appeared in person before this Court. His counsel reiterated all the contentions set out in the affidavit filed in support of the writ petition.

4.The learned Additional Government Pleader for the respondents 1 and 2 submitted that the transaction is purely civil and private in nature and therefore, the question of the official respondents intervening in the matter does not arise at all. The learned counsel for the third respondent placed materials to show that the petitioner had been vexing the third respondent before police authorities and also the administrative authorities for the last several years.

5.After carefully considering the contentions on either side, I am of the view that no relief can be granted in this proceeding. This is for more reasons than one. The so-called transaction between the petitioner and the third respondent is of the year 2002. According to the learned counsel for the third respondent, the case projected by the writ petitioner is absolutely incorrect. It is on record that at the instance of the petitioner as many as three criminal cases were initiated against the third respondent. While the FIR filed at the instance of the petitioner was action dropped, the private complaint filed by him was dismissed. Thereafter, Crime No.668 of 2015 was registered on the file of C2 Subramaniyapuram Police Station. The said criminal case was quashed by me vide order dated 21.11.2019 in CrI.O.P.(MD)No.8321 of 2015.

6.As rightly pointed out by the learned Additional Government Pleader, a transaction of this nature is purely private and therefore, the petitioner ought to have moved the jurisdictional Civil Court at the appropriate time. Having failed to do so, after a lapse of more than 19 years, it is not open to the petitioner to lodge a complaint before the second respondent and ask for action to be taken thereon. Invocation of the provision of the Maintenance and Welfare of Parents and Senior Citizen Act is absolutely misconceived. The transaction between the parties is purely commercial in nature. Therefore, the question of invoking the said jurisdiction also does not arise. Looked at from any angle, it is not possible for this Court to intervene in favour of the writ petitioner. The writ petition stands dismissed. No costs.

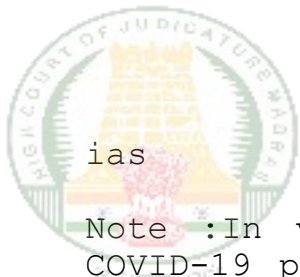
Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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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 Secretary to Government,
Registration Department,
Chennai.

2.The District Collector,
Madurai District.

+1 CC to M/s.SPL.GP (SR-24863[F] dated 09/06/2022)

+1 CC to M/s.S.PARTHASARATHY, Advocate (SR-24925[F] dated 09/06/2022)

**W.P (MD) No. 9140 of 2022
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SS(17/06/2022) 3P 5C