



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.11279 of 2022

KR.Sekar

... Petitioner

Vs.

1.The Assistant Director,
Mines and Minerals Department,
Collectorate, Sivagangai.

2.The Village Administrative Officer,
Mithravayal Group,
Karaikudi Taluk,
Sivagangai District.

3.The Sub Inspector of Police,
Sakkottai Police Station,
Sivagangai District.

... 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 1st and 2nd respondents to consider the representation of the petitioner dated 21.04.2022 in order to compound the offence by receiving the payment of Rs.1000 in connection with crime No.125/21 on the file of the 3rd respondent under Section 23A of MMDR Act, 1957 and Section 320 of Cr.P.C.

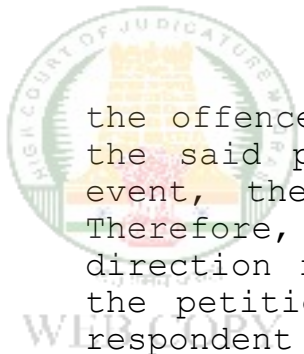
For Petitioner : Mr.RM.Arun Swaminathan

For Respondents : Mr.P.Thilak Kumar,
Government Pleader.

ORDER

Heard the learned counsel on either side.

2.The petitioner is one of the accused in the petition mentioned crime number. He wants this Court to direct the authorities to consider his request for compounding. As rightly pointed by the learned Government Pleader, Section 23(A) of Mines and Minerals (Development and Regulation) Act, 1957 provides for compounding of an offence only under the said Act. In this case,



the offence under Section 379 of IPC is also available. Therefore, the said provision cannot be invoked by the petitioner. In any event, there are not matters in which Mandamus can be issued. Therefore, I decline the petitioner's request for issuing a direction for compounding. At this stage, the learned counsel for the petitioner states that a direction can be given to the third respondent to complete the investigation. Since the FIR was registered one year back, no exception can be taken to the said request. The third respondent is directed to complete the investigation and file the final report on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. I make it clear that I have not gone into the merits and the defence of the petitioner is fully open.

3.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(AE)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

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To:

- 1.The Assistant Director,
Mines and Minerals Department,
Collectorate, Sivagangai.
- 2.The Village Administrative Officer,
Mithravayal Group,
Karaikudi Taluk,
Sivagangai District.
- 3.The Sub Inspector of Police,
Sakkottai Police Station,
Sivagangai District.

+1 CC to M/s.SPL.GP (SR-28491[F] dated 28/06/2022)

W.P (MD) No.11279 of 2022
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TR(07.07.2022) 2P 5C