



W.P.(MD)No.16784 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.16784 of 2022

and

W.M.P(MD)Nos.12167 & 12168 of 2022

Janab A.Zafarullah

... Petitioner

Vs

1.The Sub Divisional Magistrate cum
Revenue Divisional Officer,
Palani,
Dindigul District.

2.The Inspector of Police,
Keeranur Police Station,
Dindigul District.

3.Ayyanar @ Madhankumar

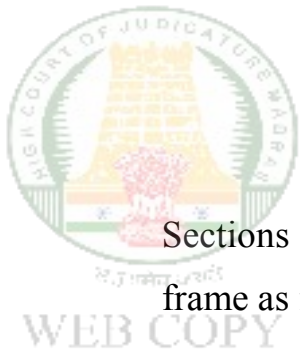
4.Kannitha @ Kanniappan

5.Eswaran

6.Durairaj

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned order passed by the first respondent in Na.Ka.No.1045/2022/A7 dated 23.06.2022 and set aside the same and consequently directing the first respondent to initiate proceedings under



W.P.(MD)No.16784 of 2022

Sections 144 and 145 of Cr.P.C. against the respondents 3 to 6 within a time frame as fixed by this Court.

For Petitioner : Mr.S.Balaji

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R.1 & R.2

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the respondents 1 and 2.

2. The petitioner is a trustee of Madarasathul Kamariya Social and Educational Charitable Trust. The specific allegation of the writ petitioner is that the agricultural land belonging to the said Trust are the only source of funds for carrying out the charitable activities. The petitioner alleges that the private respondents herein are attempting to prevent the Trust from utilizing the agricultural lands. Therefore, the petitioner moved the first respondent for initiating action under Section 145 Cr.P.C. The first respondent rejected the petitioner's request and called upon the Trustee to workout his rights before the jurisdictional civil Court. Questioning the same, this writ petition has been filed. The petitioner insists that this is a fit case in which the provision under Criminal Procedure Code deserve to be invoked by the Executive Magistrate. I am not persuaded by the submissions of the learned counsel appearing for the writ petitioner.



W.P.(MD)No.16784 of 2022

3. As rightly pointed out by the learned Special Government Pleader, whether to initiate action under Section 145 Cr.P.C or not is a matter that is better left to the discretion of the Executive Magistrate. The writ Court cannot issue any mandamus in such cases. The dispute between the petitioner and the private respondents is purely civil in nature. It is for the petitioner to workout his rights before the jurisdictional civil Court. It is open to the petitioner to file an injunction suit against the private respondents. If any injunction application is filed therein, the same will be disposed of as expeditiously as possible.

4. With this liberty to the writ petitioner and direction to the jurisdictional civil Court, this writ petition is disposed of. I make it clear that I have not gone into the merits of the matter. Consequently, connected miscellaneous petitions are closed. No costs.

29.07.2022

Index : Yes / No

Internet : Yes/ No

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To

1.The Sub Divisional Magistrate cum
Revenue Divisional Officer,
Palani,
Dindigul District.



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W.P.(MD)No.16784 of 2022

G.R.SWAMINATHAN, J.

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2.The Inspector of Police,
Keeranur Police Station,
Dindigul District.

W.P.(MD)No.16784 of 2022

29.07.2022