



W.P(MD).No.12327 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.12327 of 2014

and

M.P(MD) No.1 of 2014

P.Ganesan

... Petitioner

-VS-

1. The State of Tamil Nadu
Represented by its Chief Secretary to Government,
Fort St. George,
Chennai.

2. The Revenue Divisional Officer,
Gopichettipalayam,
Erode District.

3. Mrs. Kamatchi Ganesan
The Revenue Divisional Officer,
Gopichettipalayam,
Erode District.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to accord sanction for the petitioner prosecuting the third respondent by



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considering the claim of the petitioner under Section 197 of the Criminal Procedure Code, 1973, within the time period stipulated by this Court.

For Petitioner : Mr.P.Samuel Gunasingh
For R-1 & R2 : Mr.M.Lingadurai
Special Government Pleader
For R-3 : Mr. M.Saravanan

ORDER

The present Writ Petition has been filed seeking a Writ of Mandamus, directing the first respondent to accord sanction for prosecuting the third respondent herein, under Section 197 of the Criminal Procedure Code, 1973.

2. The petitioner who is a retired Village Administrative Officer, has sent a representation to the first respondent herein, on 27.05.2014 seeking sanction of the first respondent to prosecute 24 persons. Out of the said 24 persons, the petitioner has sought to prosecute the third respondent and hence the petitioner has filed present Writ Petition seeking a direction for according sanction for prosecuting him under Section 197 Cr.P.C. The first



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respondent is the competent authority to decide whether sanction is required to be granted and ingredients which are required for granting sanction, under Section 197 Cr.P.C, 1973, are satisfied or not.

3. This Court cannot issue a Mandamus to the first respondent to accord sanction. However, the first respondent is at liberty to consider the representation of the petitioner, dated 27.05.2014, and pass orders in accordance with law as expeditiously as possible.

4. With the above said observation, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

18 .10.2022

Index : Yes / No
Internet : Yes / No

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R.VIJAYAKUMAR,J.

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