



Writ Petition No.19887 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.19887 of 2023

K.Manonmani @ Ambujam
W/o.Late M.Kumaresan

...Petitioner

Vs

- 1.The District Collector,
O/o.The District Collector,
Pettayan Chathiram,
Vazhuthavur,
Puducherry - 605 009.
- 2.The Superintendent of Police,
O/o.The Superintendent of Police,
Orlienpet Police Complex,
Puducherry - 605 005.
- 3.The Inspector of Police,
Lawspet Police Station,
Lawspet, Puducherry - 605 008.
- 4.S.Jagannathan
S/o.Sarangapani

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to direct the respondents 1 to 3 to consider the petitioner's husband's representation dated 21.03.2022 and to direct them to take legal



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action against the fourth respondent, who acted illegally and to restore the petitioner's land situated at No.32, 1st Cross Street, Bharathi Nagar, Karuvadikuppam, Lawspet, Puducherry - 605 008 from the fourth respondent and pave the way for his livelihood.

For Petitioner : Mr.R.Kalaiyarasi

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1 to R3]

ORDER

This petition has been filed to direct the respondents 1 to 3 to consider the petitioner's husband's representation dated 21.03.2022 and take legal action against the fourth respondent, who acted illegally and to restore the petitioner's land situated at No.32, 1st Cross Street, Bharathi Nagar, Karuvadikuppam, Lawspet, Puducherry - 605 008.

2. Heard learned counsel for petitioner and learned Additional Public Prosecutor appearing on behalf of respondents 1 to 3.

3. This petition is not maintainable, in view of the order passed by a Division Bench of this Court in ***G.Prabhakaran v. The Superintendent of Police, Thanjavur*** reported in ***(2018) 2 LW CrI 489***. The Hon'ble Supreme



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Court in its latest judgment rendered by a **three Judge Bench** in ***M.Subramaniam v. S. Janaki*** reported in **(2020) 5 CTC 464**, after relying upon ***Sakiri Vasu*** Case, has categorically held that the High Court cannot issue any direction for registration of FIR in exercise of its jurisdiction under Section 482 of Cr.P.C. The Hon'ble Supreme Court held that the informant has to necessarily avail of the alternative remedy provided under Section 154 (3) of Cr.P.C. and Section 156 (3) of Cr.P.C. Liberty is given to the petitioner to workout his remedy as per the directions issued by the Division Bench in the order referred supra.

This Criminal Original Petition is disposed of accordingly.

06.07.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
gm

N.ANAND VENKATESH, J



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gm

WEB COPY

To

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O/o.The Superintendent of Police,
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- 3.The Inspector of Police,
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- 4.The Public Prosecutor,
High Court, Madras.

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