



W.P.No.26239 of 2022

WEB COPIN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

W.P.No.26239 of 2022

N.Rathnakumar

..Petitioner

Vs.

1.Principal Secretary,
Government of Tamil Nadu,
Adidravida and Tribal Welfare Department,
Fort St. George, Chennai – 600 009.

2.The District Collector, Chennai District,
Singaravelar Malligai, Rajaji Salai,
Chennai – 600 001.

3.The Additional Director General of Police,
Social Justice and Human Rights,
Kamarajar Salai, Chennai 600 004

4.The Commissioner of Police,
Vepery, Chennai.

...Respondents



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PRAYER: This Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other appropriate direction in the nature of writ directing the respondents 2 to 4 to take action on the order passed by the Principal Secretary, Government of Tamil Nadu, Adidravida and Tribal Welfare Department dated 17.02.2017 in letter No.15367/Koduthadu-1/2016-2.

For Petitioner : Mr. P.Loganathan

For Respondent : Mr. Arul Joseph Selvan

ORDER

This petition is filed to direct respondents 2 to 4 to take action on the order passed by the Principal Secretary, Government of Tamil Nadu, Adidravida and Tribal Welfare Department dated 17.02.2017 in letter No.15367/Koduthadu-1/2016-2.

2. The learned counsel for the petitioner submitted that on the basis of representation given to restore his lands purchased by accused, the Principal Secretary, Government of Tamil Nadu by his letter



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No.15367 dated 17.02.2017 observed that the closure of FIR Crime

No.171 of 2016 is not appropriate for the reason that illegal documents were used for alienation. Therefore, the Principal Secretary, Government of Tamil Nadu directed the concerned authorities to take further action in FIR Crime No.171 of 2016.

3. The learned Government Advocate submitted that if the petitioner is aggrieved by the report filed in FIR Crime No.171 of 2016, he has to approach the concerned Judicial Magistrate Court for appropriate orders. The learned Government Advocate also submitted that FIR was registered against Mr. D.Dhanavel, Assistant Commissioner of Police, Vilivakkam Range, Chennai and Mr. C.Mani, Special Sub Inspector of Police, Vilivakkam Police Station, Chennai for not conducting proper investigation in FIR Crime No.171 of 2016.

4. In view of the submissions made and the communication of the Principal Secretary, Government of Tamil in letter dated 17.02.2017, this Court directs the petitioner to file proper petition for challenging



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the report filed in FIR Crime No.171 of 2016 within a period of two weeks from the date of receipt of a copy of this order before the concerned Judicial Magistrate Court. On such filing of the petition protesting the report, the concerned Judicial Magistrate is directed to dispose of the petition on merits and in accordance with law within four weeks from the date of filing of the petition.

5. Accordingly, this petition is disposed of on the above directions. No costs.

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Index : Yes / No
Internet : Yes / No
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G.CHANDRASEKHARAN,J.

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