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Criminal Original Petition No.15886 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.15886 of 2023

and

CrI.M.P.No.9897 of 2023

K.Saravanan

S/o.Kulanthaivel

...Petitioner

Vs

1.The District Magistrate cum District Collector,

O/o. The District Collectorate,

Namakkal District.

2.Taluk Administrative Magistrate cum Revenue Tahsildar,

O/o.The Revenue Tahsildar Office,

Senthamanagalam Taluk,

Namakkal District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records in Na.Ka.No.401/2022/A1 pursuant to the summons dated 20.01.2023 issued by the second respondent and the quash the same as illegal.

For Petitioner : Mr.G.Munuraj

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed seeking to quash the summons in Na.Ka.No.401/2022/A1 dated 20.01.2023 issued by the second respondent.

2. The subject matter in this petition is the notice issued by the second respondent dated 20.01.2023. Through this notice, the petitioner and others, who are interested in the subject temple have been called for enquiry. This notice was issued on 20.01.2023 and the enquiry was fixed on 24.01.2023 whereas this petition has been filed challenging the same on 06.07.2023.

3. This Court does not find any reference to any of the provisions under the Code of Criminal Procedure, 1973, in the impugned notice dated 20.01.2023. In view of the same, there is no scope for exercising the jurisdiction of this Court u/s.482 Cr.P.C. If the petitioner is aggrieved by the notice issued by the second respondent, the petitioner has to challenge it by way of filing a writ petition under Article 226 of the Constitution of India. Except giving this clarity, no further orders can be passed in this petition.



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Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition is closed.

14.07.2023

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

To

1. The District Magistrate cum District Collector,
O/o. The District Collectorate,
Namakkal District.
2. The Taluk Administrative Magistrate cum Revenue Tahsildar,
O/o. The Revenue Tahsildar Office,
Senthamanagalam Taluk,
Namakkal District.
3. The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

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