



WEB COPY

W.P. No.29600 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.10.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

W.P.No.29600 of 2023

R.Santhi Pitchaiya Nattar

... Petitioner

-VS-

- 1.The Home Secretary,
2nd Floor, Main building,
Rajaji Road, Fort. St.George,
Chennai – 600 009 (Near RBI).
- 2.The Deputy Inspector General of Police,
Master Plan Complex, Villupuram 605 602.
(Near CEO Office)
- 3.Superintendent of Police,
WFMJ+5FF, Collector Office Road,
Moovendar Nagar, Villupuram,
Tamil Nadu 605 602.
- 4.Deputy Superintendent of Police,
DSP Office, Tindivanam Taluk,
Villupuram, Villupuram District.
- 5.The Inspector of Police,
Marakkanam Police Station,
Marakkanam, Villupuram District,
(Cr. No.48/2019)



6.M/s.HOMEFINDERS HOUSING LTD.,
Rep.by its Managing Director,
(K.S. Ramalingam),
Flat No.2C, Race View Towers, 71, Mount Road,
Guindy, Chennai – 600 032.

...Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a writ of Mandamus, to direct the 1st to 5th Respondent to consider the petitioner's representation dated 25.08.2023. Consequently to direct the 5th Respondent to recover the cheated amount Rs.20,64,124/- from the 6th Respondent in Crime No.48/2019 under Section 420 IPC dated 27.01.2019 pending on his file.

For Petitioners : Mr.M.Yogaa
For Respondents 2 - 5 : Mr.S.Udaya Kumar,
Government Advocate (Crl.Side)

ORDER

The prayer in the Writ Petition reads as follows:

“For the reasons stated in the accompanying affidavit it is therefore, the petitioner pray that this Hon'ble Court may be pleased to issue a WRIT OF MANDAMUS or Writ or Order or direction or any other nature of Writ, direct the 1st to 5th Respondent to consider the petitioner's representation dated 25.08.2023. Consequently to direct the 5th Respondent to recover the cheated amount Rs.20,64,124/- from the 6th Respondent in Crime No.48/2019 under Section 420 IPC dated 27.01.2019 pending on his file and pass such other suitable orders and thus render Justice”

2. Article 226 of the Constitution of India is not meant for recovery of money. If the petitioner has entered into contract with the accused and lost his money, it is for him to make out the case cognizable offence or else, he should



approach Civil Court for recovery of money. In this writ petition, this Court unable to find out any ingredient to invoke writ jurisdiction for recovery of money. Hence, this Writ Petition is dismissed. No costs.

11.10.2023

Internet : Yes/No

Index : Yes/No

rkp

To

- 1.The Home Secretary,
2nd Floor, Main building,
Rajaji Road, Fort. St.George,
Chennai – 600 009 (Near RBI).
- 2.The Deputy Inspector General of Police,
Master Plan Complex, Villupuram 605 602.
(Near CEO Office)
- 3.Superintendent of Police,
WFMJ+5FF, Collector Office Road,
Moovendar Nagar, Villupuram,
Tamil Nadu 605 602.
- 4.Deputy Superintendent of Police,
DSP Office, Tindivanam Taluk,
Villupuram, Villupuram District.
- 5.The Inspector of Police,
Marakkanam Police Station,
Marakkanam, Villupuram District,
- 6.The Public Prosecutor,
Madras High Court, Madras.



WEB COPY



W.P. No.29600 of 2

Dr.G.JAYACHANDRAN, J.

rkp

W.P.No.29600 of 2023

11.10.2023