



WP(MD)No.18468 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.01.2023**

CORAM:

THE HONOURABLE **MR.JUSTICE SUNDER MOHAN**

W.P.(MD)No.18468 of 2020

Grinivasaprasath

... Petitioner

/vs./

- 1.The Home Secretary,
The Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.
- 2.The Director General of Police,
Chennai.
- 3.The Inspector General of Police (South Zone),
Madurai.
- 4.The Superintendent of Police,
Kanyakumari District.
- 5.The Revenue Divisional Officer,
Padmanabhapuram, Kanyakumari District.
- 6.Sudhesan
- 7.Muthuraj

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents 1 to 4 herein to take



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departmental action against the 6th and 7th respondent herein for giving false information to this Court in the direction petition in Crl.O.P.(MD)No.6079 of 2018 and also seeking compensation of sum of Rs.50,00,000/- (Fifty Lakhs only) by considering the petitioner's representation to the respondents 1 to 4 herein dated 28.09.2020.

For Petitioner : Mr.S.Ramasamy

For R1 to R5 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

This petition is for direction to take action against the respondents 6 and 7 herein, for giving false information to this Court in Crl.O.P.(MD)No.6079 of 2018 and also for compensation of Rs.50,00,000/-.

2.The petitioner filed Crl.O.P.(MD)No.6079 of 2018 before this Court for a prayer to register their complaint dated 13.01.2017. In the said complaint, the petitioner has alleged that the proposed accused had taken away the coconuts in the land belonging to Ambalathadivilai Indhu Nadar Samuthayam. When the matter was taken up for hearing before this Court, the learned Additional Public



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Prosecutor then, on instructions, had submitted that the Revenue Divisional Officer had passed an order dated 03.12.2016, in which, the proposed accused was permitted to conduct the festival and further the police have advised the petitioner to seek remedy before the Civil Court and based on the said observation, the CrI.O.P.(MD)No.6079 of 2018 was dismissed, giving liberty to the petitioner to approach the competent civil Court.

3. Thereafter, the petitioner came to know that the information given before this Court about the order passed by the RDO, permitting the proposed accused to conduct the festival was false. The petitioner came to know through a Right to Information application that no such order was passed. The instant petition has been filed for direction, directing the respondents 1 to 5 to take action against the respondents 6 and 7 for giving false information and for compensation of Rs. 50,00,000/-.

4. The learned Additional Public Prosecutor would submit that the matter is civil in nature and infact, the petitioner had advised the petitioner to approach the civil Court and so far this petitioner has not approached the civil Court. Further, alleging that the action of the respondents 6 and 7 amounted to contempt, the petitioner had approached this Court and the same was closed by this Court in



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Cont.P(MD)No.1591 of 2018 by the order dated 29.10.2020 and that the order of this Court has become final.

5.The learned counsel for the petitioner fairly concedes that the contempt petition was dismissed as not maintainable.

6.The reading of the order passed by this Court would show that this Court had dismissed the CrI.O.P.(MD)No.6079 of 2018, mainly on the ground that the police had advised the parties to approach the civil Court. The reference to RDO proceedings was incidental.

8.In any case, this Court finds from the documents produced that the RDO had issued a notice on 03.12.2016. It appears to be a case of mistaken impression. There is nothing to suggest that the respondents 6 and 7 have misled this Court. The petitioners have also not approached the Civil Court thereafter. That apart, the contempt petition filed for the very same reasons was dismissed as not maintainable.



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9.For the above all reasons, the prayer in this writ petition cannot be granted and the writ petition deserves to be dismissed. Accordingly, this Writ petition is dismissed. No costs.

05.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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SUNDER MOHAN. J.

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