



W.P.(MD)No.17146 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :31.03.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.17146 of 2016
and
W.M.P.(MD).No.13199 of 2016

G.Paul Raj

... Petitioner

Vs.

The Tahsildar,
Aruppukottai Taluk,
Virudhunagar District.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondent to initiate legal action based in the complaint of the petitioner dated 05.08.2016 lodged before the respondent.

For Petitioner	:Mr.C.M.Arumugam
For Respondent	:Mr.M.Sarangan Additional Government Pleader



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ORDER

The petitioner seeks a direction for the initiation of legal action against S.Ramalakshmi based on the complaint given by the petitioner.

2. The petitioner and the said S.Ramalakshmi are brother and sister. The petitioner alleges that S.Ramalakshmi made a false statement that A.S.No.286 of 2015 was filed by her. Since such false statement was provided, the petitioner states that he gave a representation dated 05.08.2016 for the initiation of action against his sister.

3. Originally, the petitioner did not joint S.Ramalakshmi as a party. Subsequently, an impleading petition was filed for such purpose.

4. Learned counsel for the proposed respondent submits that the proposed respondent made an innocuous mistake by erroneously mentioning the pending case as A.S.No.286 of 2015 instead of I.A.No.286 of 2015 in O.S.No.104 of 2012. He also submits that there are civil disputes between the siblings and that no case is made out for the initiation of action based on the complaint of the petitioner.



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5. Learned Additional Government Pleader also submits that the jurisdiction of this Court should not have been invoked in this regard and that the petitioner should have approached the jurisdictional magistrate in such regard.

6. The alleged false statement relates to S.Ramalakshmi informing the Tahsildar that a case was pending. The case number has been erroneously mentioned as A.S.No.286 of 2015 instead of I.A.No.286 of 2015. This error is evidently inadvertent and does not amount to an intentional false statement. In these circumstances, the petitioner is not entitled to the relief claimed.

7. For reasons set out above, W.P.(MD).No.17146 of 2016 is dismissed without any order as to costs. Consequently, W.M.P.(MD).No. 13199 of 2016 is closed.

31.03.2023

NCC :Yes/No
Internet :Yes/No
Index :Yes/No
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The Tahsildar,
Aruppukottai Taluk,
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SENTHILKUMAR RAMAMOORTHY, J.

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