



W.P.(MD)No.129 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.01.2023

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THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P.(MD)No.129 of 2023

A.Prithvirajan

... Petitioner

Vs.

- 1.The Director,
General Bureau of Investigation Office,
Plot No.5-B,
CGO Complex,
Lodhi Road,
New Delhi-11003.
- 2.The Join Director,
Central Bureau of Investigation Office,
Rajaji Bhavan Complex,
3rd Ave, Tiruvallur Nagar,
Besan Nagar,
Chennai.
- 3.The Superintendent of Police,
Central Bureau of Investigation Office,
73, Athikulam Main Road,
Ramnad Reserve Line,
Athikulam,
Madurai.
- 4.The Moderator,
CSI Synod,
No.5, Whites Road,
Royapettah,
Chennai-600 014.



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5. The Bishop,
Diocese of Madurai-Ramnad,
No.162, East Veli Street,
(AVH Building),
Madurai-625 001.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 to dispose the representation of the petitioner dated 09.08.2022, within the period that may be stipulated by this Court.

For Petitioner : Mr.Joel
For Respondents : Mr.C.Muthu Saravanan
for CBI R1 to R3
Mr.M.Ajmal Khan
Senior counsel for R4 and R5

ORDER

This Writ Petition has been filed to direct the respondents 1 to 3 to dispose of the petitioner's representation dated 09.08.2022.

2. The facts in brief:-

The petitioner is the member of the Diocese of CSITA. On 29.11.1912, the Government of Tamil Nadu has given the assignment of land vide order No.3581 by assigning the land to the extent of 31.10 Acres in Old Survey Nos.168/C, 163/B & 163/G with a conditional transfer. The main condition is that the land shall be used only for



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industrial and charitable purpose. But however, CSITA Association has illegally sold 7 acres of the land to various persons in the year of 2008 itself. Thereafter, one Devasaghyam has preferred a complaint to take action and he had also filed a writ petition in W.P(MD).No.1507 of 2021. The office bearers of Diocesan, namely, Mr.C.Ferandus and others converted the compounding wall to the commercial complexes in Ramanathapuram CSI Schewartz Higher Secondary School and they are gaining the mandatory benefits. Similarly, the compound walls in Dindigul, Sivakasi, Melur, K.Pudhur, Madurai were converted as commercial complexes and the office bearers of the association also misappropriated the funds. Therefore, the petitioner has sent a detailed representation dated 02.02.2022 to Moderator of CSI Synod through E-Mail. The General Secretary of CSI Synod colluded with the present Moderator and other persons illegally enriched themselves. Again, the petitioner sent another representation to the respondents on 09.08.2022 by enclosing all the documents, but, so far no action has been taken. Hence, the present writ petition has been filed seeking a direction to the respondents 1 to 3 to consider the representation dated 09.08.2022 within the stipulated time.



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3. When the matter came up for hearing, a short point raised for consideration was, whether the respondents 1 to 3 can directly take cognizance of the representation/complaint of this nature.

4. The learned counsel for the private respondents submitted that no such power is available to the respondents 1 to 3 to register the case and that can be exercised only in nature of case that are mentioned as per provisions of the Delhi Police Establishments Act 1946. Section 3 of the Delhi Police Establishments Act 1946 reads as under:

“3. Offences to be investigated by special police establishment—

*"The Central Government may, by notification in the Official Gazette, specify the offences or classes of offences I*** which are to be investigated by the Delhi Special Police Establishment."*

5. So far no notice has been issued to the respondents 1 to 3 and for the offence of the nature mentioned in the representation/complaint, the petitioner has to approach the regular police and not CBI.



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6. When the matter is taken up for hearing, on the earlier occasion, the learned counsel for the petitioner submitted that he is ready to file a complaint before the concerned authority to work out his remedy.

7. In view of the submission made by the learned counsel for the petitioner, this Writ Petition is dismissed.

05.01.2023

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G.ILANGOVA, J.

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