

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 23494 of 2025

1. Meenakshi Ananda
W/o. Late Anandhanarayanan
No. 88 Lal Bahadur Street,
Puducherry – 605 001

Petitioner(s)

Vs

1. The Chief Judge
Combined Court Complex,
Venkata Subba Reddiar Salai,
Puducherry

2. The Assistant Registrar
Administration,
Madras High Court,
Chennai 600 104.

3. Shri Srinivasan
S/o. Late Adinarayanan,
No. , Lala Bahadur Street,
Puducherry

4. Smt Kannamani
W/o. Adinarayanan
No. 88 Lal Bahadur Street,
Puducherry

Respondent(s)

PRAYER



Writ petition filed under Section 226 of Constitution of India for the issuance of writ of Mandamus directing the 1st respondent to consider the petitioners representation dated 25.09.2023 within a time frame fixed by this Court and pass orders.

For Petitioner(s): A.Rajarajan

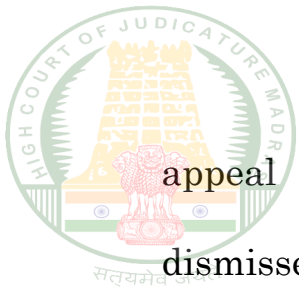
For Respondent: -

ORDER

This writ petition has been filed for the issue of writ of Mandamus for a direction to the 1st respondent to deal with the representation made by the petitioner on 25.09.2023 wherein the petitioner seeks for initiating action against the respondents 3 and 4 on the ground of perjury.

2. Heard the learned counsel for the petitioner and perused the materials available on record.

3. The petitioner is the plaintiff in OS No.173 of 1998 pending on the file of the Principal Sub Judge, Puducherry. The suit was filed seeking for the relief of partition. According to the petitioner, the respondents 3 and 4 herein filed a counter claim in the said suit, which was dismissed. Aggrieved by the same, they filed an



appeal before this Court in AS No.256 of 2003 which was also dismissed by judgement dated 17.12.2019. A direction was also issued to the Trial Court to conclude the proceedings within a period of six months. While so, the respondents 3 and 4 filed IA No.282 of 2022 in IA No.1454 of 2003 seeking for amendment of the preliminary decree. Aggrieved by the same, CRP No.2902 of 2022 was filed before this Court and the CRP was allowed by an order dated 03.10.2023.

4. The respondents 3 and 4 thereafter filed IA No.5 of 2023 before the concerned Court seeking for an order of interim injunction for the same property for which they made a counter claim, which was rejected by this Court. The said application was dismissed by the Trial Court based on the application filed by the petitioner in IA No.7 of 2023 by an order dated 19.01.2024.

5. It is under these circumstances, the petitioner submitted a representation dated 25.09.2023 before the 1st respondent seeking for action against the respondents 3 and 4 on the ground of perjury. Since the same was not acted upon, the present writ petition has been filed before this Court.



6. In the considered view of this Court, action for perjury against the respondents 3 and 4 cannot be taken based on the representation made by the petitioner. The petitioner has to file an application before the concerned Court under Section 195(1) (b) r/w 340 of Cr.PC and the Court has to deal with the same and take a decision. If the Court is convinced that the perjury has been committed, the concerned Court proceeds by filing by way of a private complaint as against the private respondents. This process has to be necessarily undergone and the same cannot be achieved by way of giving a representation to the 1st respondent.

7. In the light of the above discussion, it is left open to the petitioner to file an appropriate application before the 1st respondent and seek for the remedy.

8. This writ petition is disposed of in the above terms. No costs.

01-07-2025

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



To

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