



C.M.P.(MD)No.11349 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**C.M.P.(MD)No.11349 of 2025
in
W.A.(MD)No.SR59574 of 2025**

Murali

... Petitioner

Vs.

1.Kanagaraj

2.The Director,

Tamil Nadu Vigilance and Anti Corruption Department,
No.203, M.K.N.Road, Alanthur,
Chennai - 600 016.

... Respondents

Prayer in C.M.P.(MD)No.11349 of 2025 : Miscellaneous Petition is filed under Section 151 of the Civil Procedure Code, to condone the delay of 32 days in filing the writ appeal as against the order dated 15.05.2025 made in W.P.(MD)No.29535 of 2024 on the file of this Court.



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Prayer in W.A.(MD)No.SR59574 of 2025: Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.29535 of 2024 dated 15.05.2025 on the file of this Court.

For Petitioner : Mr.A.Sivasubramanian

ORDER
(By G.R.SWAMINATHAN, J.)

Heard the learned counsel for the petitioner.

2.The petitioner has filed this writ appeal against the order dated 15.05.2025 made in W.P.(MD)No.29535 of 2024. Since there was delay in filing the writ appeal, this miscellaneous petition has been filed for condoning the delay.

3.The learned Single Judge has issued the following directions:-

“6.In view of the above, is a prima facie case is made out to register the case against the second respondent. Therefore, this Court directs the first respondent to register the case under the



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relevant provision of the Prevention of Corruption Act, on the basis of the complaint given by the petitioner dated 21.11.2024 and conduct investigation relating to these allegations and also “assets” of the accused officer and file the status report before this Court on or before 24.07.2025.”

4.Vide order dated 18.06.2025 in W.A.(MD)SR.No.48660 of 2025, this Bench had held as follows:-

3.As regards the maintainability of a writ appeal in such cases, the legal position is already well settled. The Division Bench vide order dated 07.02.2025 in WA(MD)No.1155 of 2020 etc., (Deepa vs. Vijayalakshmi and ors) held as follows :

“7.The learned counsel appearing for the writ petitioner / first respondent herein submitted that since the learned single Judge had passed the impugned order by exercising his criminal jurisdiction, the present writ appeals filed under Clause 15 of Letters Patent would not lie. He relied on the decision reported in 2023 LiveLaw (Gau) 91 (Shri Deba Prasad Dutta Vs The State of Assam).

8.We overrule the said objection. Clause 15 of Letters Patent of the High Court of Judicature Madras is to the effect that an appeal shall not lie before the Division Bench from the judgment / order of the single Judge made in exercise of criminal jurisdiction. The expression “criminal jurisdiction” has been defined as one which exists for the punishment of crimes (P.Ramanatha Aiyar's Advanced Law Lexican). The Hon'ble Supreme Court in the



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decision reported in (2017) 5 SCC 533 (Ram Kishan Fauji Vs State of Haryana & Others) had held that the conception of criminal jurisdiction is not to be construed in a narrow sense. A criminal proceeding is ordinarily one which if carried to its conclusion may result in the imposition of sentences. For instance, if an order has been passed under Article 226 directing the Police to register an FIR if any cognizable offence is made out, writ appeal challenging such an order is not maintainable under Clause 15 (KN Pudur Primary Agricultural Coop Credit Society Vs G.Balakrishnan (2018) 2 LW 111).

9.The controversy may have its seed in a criminal proceeding. But genesis and origin cannot be the sole determinant. The nature of proceeding, the relief sought for and the consequences flowing from the order passed by the learned single Judge will answer the issue whether there was exercise of criminal jurisdiction or not. The writ petitioner did not seek bail on the ground that her arrest was illegal. On the other hand, she wanted the concerned police personnel to be departmentally dealt with. She sought compensation. These are matters which do not fall in the realm of criminal jurisdiction. The award of compensation in a proceeding under Article 226 of Constitution of India is a remedy available in public law (Nilabati Behera Vs State of Orissa (1993) 2 SCC 746). We, therefore, hold that the above writ appeals are maintainable.”

Another Division Bench of this Court in the decision reported in (2020) 6 MLJ 245 (D.Kumar vs. Raichand Daga) held that if the Single Judge had directed holding of enquiry into a police complaint, then, writ appeal would not lie. From Ram Kishan Fauji Vs State of Haryana, one can deduce that orders passed by the Single Judge pertaining to security proceedings ie., orders to prevent apprehended breach of peace would not be amenable to challenge under Clause 15 of the Letters Patent.”



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5.It is too obvious that impugned direction has been issued in exercise of criminal jurisdiction by the learned Single Judge. Therefore, the petitioner will have to try his luck only by filing SLP before the Hon'ble Supreme Court. This Letters Patent appeal under Clause XV will not lie.

6.When the writ appeal is not maintainable, the question of condoning the delay will not arise. Hence, this miscellaneous petition is dismissed as not maintainable. No costs. Consequently, W.A.(MD)No.SR59574 of 2025 is dismissed as not maintainable.

(G.R.S. J.) & (K.R.S. J.)
21.07.2025

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