



W.A.(MD) No.801 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.05.2026

CORAM:

**THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.A(MD)No.801 of 2026
and
CMP(MD)No.6622 of 2026**

P.Mohamed Sherif

... Petitioner

Vs.

**1.The Government of Tamil Nadu
Represented by its Secretary
Rural Development and Panchayat Raj Department
Secretariat,
Chennai.**

**2.The Director
Vigilance and Anti Corruption
Chennai.**

**3.The Deputy Superintendent of Police
Vigilance and Anti Corruption
Sivagangai.**

**4.The Assistant Director of Village Panchayat
Sivagangai District
Sivagangai.**



W.A.(MD) No.801 of 2026

WEB COPY

5.The Inspector
Vigilance and Anti Corruption
Sivagangai.

6.Revathi
The President of Kazhukerkadai Panchayat (Incharge)
Kazhukerkadai Village
Thirupuvanam Taluk
Sivagangai District.

...Respondents

PRAYER: Writ Appeal filed under Clause XV of Letters of Patent Appeal, against the order dated 01.04.2026 made in W.P(MD)No.24891 of 2024 passed by this Court.

For Petitioner : Mr.J.Anandkumar
For Respondents : Mr.R.Gandhiraj - for R1, R4
Special Government Pleader
Mr.T.Senthil Kumar - for R3, R5
Additional Public Prosecutor

JUDGMENT

(Judgment of the Court was delivered by D.Bharatha Chakravarthy, J.)

This writ appeal is listed under the caption “For maintainability”.



W.A.(MD) No.801 of 2026

2. The maintainability is because the writ petition is criminal in nature. The prayer made in the writ petition is for a mandamus directing the 3rd and 5th respondents in the writ petition, namely the Deputy Superintendent of Police, Vigilance and Anti-Corruption, Sivagangai and the Inspector of Police, Vigilance and Anti-Corruption, Sivagangai to take action on the petitioner's representation dated 01.10.2024.

3. A perusal of the representation dated 01.10.2024, it is addressed to the third respondent in the writ petition. It claims that the President of the Village Panchayat has misappropriated the funds and therefore, request for registering of a case and investigating into the same.

4. The prayer of the petitioner if allowed will only result in registration of a criminal case and the prosecution of the concerned individuals and therefore, there can be no doubt whatsoever that the matter is criminal in nature. It has already been held in detail by this Court that the Court has to consider in pith and substance as to the subject matter in question and thereafter decide the issue.



W.A.(MD) No.801 of 2026

5. Useful reference in this regard can be made to the judgment of the Division Bench in **W.A(MD)SR.No.48660 of 2025 (*Ganesan Vs. Franklin Roosevelt and Others*)**. The Division Bench after taking note of the earlier Division Bench judgment in ***Deepa vs. Vijayalakshmi and Others***, whereunder the judgment of the Hon'ble Supreme Court of India in ***Ram Kishan Fauji vs. State of Haryana and Others (2017 (5) SCC 533)*** and the other judgments were considered in detail and the issue was considered.

6. By considering the same, since in effect the relief prayed for is relating to criminal prosecution, the intra Court appeal cannot be entertained and accordingly, the writ appeal stands rejected, however, with the liberty to the petitioner to approach the appropriate forum as against the order. No costs. Consequently, connected miscellaneous petition is closed.

(D.B.C., J.) (R.P., J.)
20.05.2026

Index : Yes /No
NCC : Yes /No
rm



W.A.(MD) No.801 of 2026

WEB COPY

To

1.The Government of Tamil Nadu
Represented by its Secretary
Rural Development and Panchayat Raj Department
Secretariat,
Chennai.

2.The Director
Vigilance and Anti Corruption
Chennai.

3.The Deputy Superintendent of Police
Vigilance and Anti Corruption
Sivagangai.

4.The Assistant Director of Village Panchayat
Sivagangai District
Sivagangai.

5.The Inspector
Vigilance and Anti Corruption
Sivagangai.



WEB COPY



W.A.(MD) No.801 of 2026

D.BHARATHA CHAKRAVARTHY, J.
and
R.POORNIMA, J.

rm

Order made in
W.A(MD)No.801 of 2026
and
CMP(MD)No.6622 of 2026

20.05.2026