

W.P.Crl.(MD)No.2888 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.05.2026

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.Crl.(MD) No.2888 of 2026
and
WMP.Crl.(MD)No.708 of 2026

Paramasivam

...Petitioner

Vs.

1.The District Collector,
Pudukkottai District Pudukkottai.

2.The Superintendent of Police
Pudukkottai District Pudukkottai.

3.The Tahsildar
Aranthangi Taluk
Pudukkottai District.

4.The Inspector of Police
Aranthangi Police Station
Pudukkottai District.

5.M.Ganapathi
6.Saathaiya
7.Karuppaiya
8.Marudhan
9.Perumal

10.Ganapathi
11.Yasotha
12.Thirunavukarasu
13.Sivakumar

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct respondents 1 to 4 to take action against the respondents 5 to 13 for their illegal act of excommunicating the petitioner and 17 families from the village, after collecting tax from the villagers by considering the representation dated 26.05.2026.

For Petitioner : Mr.S.Yogeswaran
For R1 to R3 : Mr.I.Pinaygash,
Government Advocate(Crl.side)
For R4 : Mr.S.Sivasubramanian,
Counsel for State of Tamil Nadu (Crl.side)

ORDER

The present Writ Petition has been filed seeking Mandamus, directing the respondents 1 to 4 to take action against the respondents 5 to 13 for their illegal act of excommunicating the petitioner and 17 families from the village, after collecting tax from the villagers by considering the representation dated 26.05.2026.

2.The case of the writ petitioner is that the writ petitioner is residing at Kallaruppanval Village along with his family members, that Sri Mathivan Sampan Ayyanar Temple situated in the village is the common temple of all the



villagers and the temple festival is conducted every year in a customary manner by collecting contributions from all the families residing in the village, that this year the respondents 5 to 13, with mala fide intention, excluded 17 families including the family of the writ petitioner from participating in the village meeting and temple-related activities and refused to collect temple contributions from them stating that they had been excommunicated from the village community, that the respondents 5 to 13 also restrained the writ petitioner and other excluded families from entering the temple premises and participating in the temple festival scheduled to be held on 30.05.2026, that questioning such illegal action, the writ petitioner submitted a complaint dated 26.05.2026 to the respondents 1 to 4, that despite receipt of the complaint no action has been taken by the official respondents, that the act of the respondents 5 to 13 is arbitrary, discriminatory and violative of the fundamental rights guaranteed under the Constitution of India and that therefore the writ petitioner has been constrained to file the present writ petition seeking appropriate relief.

3.A cursory perusal of the averments in the writ petition would only reveal that the writ petitioner has been indirectly seeking registration of criminal case. The Hon'ble Supreme Court in the case of ***Priyanka Srivastava and another Vs. State of U.P. and others*** reported in ***(2015) 6 SCC 287*** has



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held,

“24. Regard being had to the aforesaid enunciation of law, it needs to be reiterated that the learned Magistrate has to remain vigilant with regard to the allegations made and the nature of allegations and not to issue directions without proper application of mind. He has also to bear in mind that sending the matter would be conducive to justice and then he may pass the requisite order. The present is a case where the accused persons are serving in high positions in the bank. We are absolutely conscious that the position does not matter, for nobody is above law. But, the learned Magistrate should take note of the allegations in entirety, the date of incident and whether any cognizable case is remotely made out. It is also to be noted that when a borrower of the financial institution covered under the SARFAESI Act, invokes the jurisdiction under Section 156(3) Cr.P.C. and also there is a separate procedure under the Recovery of Debts due to Banks and Financial Institutions Act, 1993, an attitude of more care, caution and circumspection has to be adhered to.

25. Issuing a direction stating "as per the application" to lodge an FIR creates a very unhealthy situation in the society and also reflects the erroneous approach of the learned Magistrate. It also encourages the unscrupulous and unprincipled litigants, like the respondent no.3, namely, Prakash Kumar Bajaj, to take adventurous steps with courts to bring the financial institutions on their knees. As the factual exposition would reveal, he had prosecuted the earlier



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authorities and after the matter is dealt with by the High Court in a writ petition recording a settlement, he does not withdraw the criminal case and waits for some kind of situation where he can take vengeance as if he is the emperor of all he surveys. It is interesting to note that during the tenure of the appellant No.1, who is presently occupying the position of Vice-President, neither the loan was taken, nor the default was made, nor any action under the SARFAESI Act was taken. However, the action under the SARFAESI Act was taken on the second time at the instance of the present appellant No.1. We are only stating about the devilish design of the respondent No.3 to harass the appellants with the sole intent to avoid the payment of loan. When a citizen avails a loan from a financial institution, it is his obligation to pay back and not play truant or for that matter play possum. As we have noticed, he has been able to do such adventurous acts as he has the embedded conviction that he will not be taken to task because an application under Section 156(3) Cr.P.C. is a simple application to the court for issue of a direction to the investigating agency. We have been apprised that a carbon copy of a document is filed to show the compliance of Section 154(3), indicating it has been sent to the Superintendent of police concerned.

26. At this stage it is seemly to state that power under Section 156(3) warrants application of judicial mind. A court of law is involved. It is not the police taking steps at the stage of Section 154 of the code. A litigant at his own whim cannot invoke the authority of the Magistrate. A principled and really



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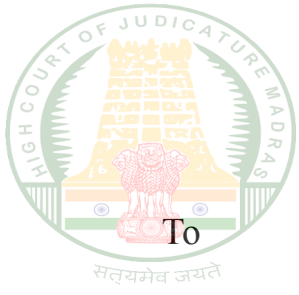
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grieved citizen with clean hands must have free access to invoke the said power. It protects the citizens but when pervert litigations takes this route to harass their fellows citizens, efforts are to be made to scuttle and curb the same.”

4.As per the scheme of B.N.S.S., if no action is taken by the jurisdictional police, the complainant has to approach the Superintendent of Police and even if no action is taken, he has to invoke Section 175(3) B.N.S.S. (Section 156(3) Cr.P.C.) before the jurisdictional Magistrate. Since the writ petitioner is having effective alternative remedy, he is not entitled to invoke Article 226 of the Constitution and as such, the writ petition itself is not maintainable. Hence, this Writ Petition is dismissed as not maintainable. The writ petitioner is at liberty to take appropriate proceedings in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

27.05.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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K.MURALI SHANKAR, J

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