



WP.Crl.(MD)No.2749 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 05.01.2026

CORAM :

THE HONOURABLE Mrs. JUSTICE N.MALA

WP.Crl.(MD)No.2749 of 2025

P.Durai Raja

... Petitioner

vs.

1.The Director, of Vigilance and Anti Corruption,
Tamilnadu,
Alanthur, Chennai – 600 016

2.Mrs.Shantha,
The Tahsildar,
Ponnamaravathi Taluk,
O/o Ponnamaravathi
pudukottai – 622 002.

... Respondents

PRAYER: Writ Petition Criminal is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the first respondent to consider the petitioner's complaint dated 24.10.2025 and to conduct enquiry against the second respondent and to pass suitable orders in accordance with law within the stipulated time fixed by this Court.

For Petitioner

: Mr.Babu Rajendran

For R1

: Mr.B.Nambi Selvan
Additional Public Prosecutor



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ORDER

This writ petition is filed for a writ of mandamus directing the first respondent to consider the petitioner's complaint dated 24.10.2025 and to conduct enquiry against the second respondent and to pass suitable orders in accordance with law within the stipulated time fixed by this Court.

2. The petitioner states that even though the second respondent, Tahsildar, had no jurisdiction to issue the certificates certifying that the two names of a person relate to the same person, the second respondent issued such certificates. The petitioner also states that there is no Government order or Revenue Standing Order authorizing the Tahsildar to issue such certificates. The petitioner further states that the legal course open to a person having two names is to obtain a certificate either by way of Government Gazette Notification or by filing a Civil Suit for declaration before the competent court under Section 34 of the Specific Relief Act, 1963. According to the petitioner, the second respondent issued the certificates without verifying any records and without



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maintaining any records in her office thus abusing her official position.

3.The petitioner therefore sent a complaint to the first respondent on 24.10.2025 to take suitable legal action against the second respondent by conducting due enquiry. Since no action was taken by the first respondent, the petitioner is before this Court by filing the above writ petition for the aforesaid relief.

4. The learned Additional Public Prosecutor, submitted that the writ petition is not maintainable since the petitioner has an alternate efficacious remedy under Section 175(3) of BNSS, before the jurisdictional court.

5. The learned Additional Public Prosecutor, in support of the aforesaid submission, relied on the order passed by this Court in WP.Crl. (MD)No.1925 of 2025 dated 31.10.2025. The learned Additional Public Prosecutor, further submits that following the said order, this Court passed a similar order in WP(MD)No.2377 of 2025 dated 03.12.2025.



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6. Heard both sides and perused the materials available on record.

7. The facts are not disputed. The petitioner submitted a complaint on 24.10.2025 to the first respondent. Since no action was taken, the petitioner filed the above writ petition.

8. This Court, while considering similar issue in WP.Crl.(MD)No. 1925 of 2025, dismissed the petition on 31.10.2025, on the ground of availability of the alternate remedy. This Court relied on the judgment of the Hon'ble Supreme Court of India in ***Priyanka Srivastava and another Vs. State of U.P and others*** reported in 2015(6) SCC 287. The Hon'ble Supreme Court in the aforesaid judgment held as follows:

“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



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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 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-



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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 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



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9. In view of the judgment of the Hon'ble Supreme Court of India, if no action is taken on the petitioner's complaint, the petitioner is entitled to invoke Section 175(3) of BNSS, before the jurisdictional court to have his complaint registered. Since the petitioner has alternative and efficacious remedy under Section 175(3) of BNSS before the jurisdictional court, this writ petition cannot be entertained.

10. In fine, this writ petition is dismissed. No costs.

05.01.2026

Index : Yes/No
Internet : Yes/No
CM

To,
The Director, of Vigilance and Anti Corruption,
Tamilnadu,
Alanthur, Chennai – 600 016



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N.MALA., J.

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