

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No.425 of 2015
and
M.P.No.1 of 2015

1. Muniraj
2. Nagaraj
3. Muniella Khan
4. Srinivasan ... Petitioners

Versus

1. State by Inspector of Police
Madhigiri Police Station
Krishnagiri District.
2. T.V.Raj
3. C.N.Viswanathan ... Respondents

Criminal Revision case filed under Sections 397 and 401 of Cr.P.C. against the order dated 13.03.2015 passed by the learned District Revenue Officer cum Sub Collector, Hosur in Va.No.147/2014 (B1).

For Petitioners:No appearance

For Respondents:Mr.V.Arul
Government Advocate (Crl.side)
for R1
Mr.P.Subba Reddy for RR2 and 3

ORDER

Aggrieved by the order dated 13.03.2015 passed by the learned District Revenue Officer cum Sub Collector, Hosur in Va.No.147/2014 (B1) in directing the petitioners to furnish bond for land worth Rs.10,000/- as stipulated under Section 111 of the Criminal Procedure Code, this Criminal Revision Case has been filed.

2. The case of the petitioner in brief is as follows:

Based on the complaint given by the respondents 2 and 3 herein that the petitioners have encroached upon the belonging to the defacto complainants illegally, the District Revenue Officer cum Sub Collector, Hosur has passed the impugned order. Challenging the same, the present revision is filed.

3. When the matter was listed on 27.07.2015, there was no representation for the petitioners. Hence, the matter was directed to be listed today under the caption "for dismissal". Even today, there was no representation for the petitioners. Hence, as per the judgment of the Hon'ble Apex Court reported in (2013) 3 SCC 721 [K.S.Panduranga vs. State of Karnataka], if the petitioner do not appear, there is no necessity for the Court, which is hearing the matter, to issue warrant for special notice or appoint any Amicus Curiae to argue the matter on behalf of the petitioner. The Court is empowered to deal with the matter on merits and dispose of the same. Accordingly, this matter is taken up for disposal on merits.

4. Heard the learned Government Advocate (Crl.side) appearing on behalf of the first respondent and the learned counsel appearing for respondents 2 and 3.

5. Learned counsel appearing for the respondents 2 and 3, who are the defacto complainants, by way of filing counter, would submit that the petitioner's main profession is only to encroach upon the lands of the third parties, put up thatched shed and keep the unsocial elements there by hoisting the flags of political parties and demand money from the parties. He would further submit that because of the interim orders obtained by the petitioners on the last working day before summer vacation, the hands of the District Revenue Officer is tied from discharging his duties. Accordingly, he would pray for the dismissal of the criminal revision case.

6. The main ground raised by the petitioners in this revision is that since a civil suit is pending regarding the matter, the jurisdiction of the District Revenue Officer is limited and therefore, the order passed by the District Revenue Officer has to be set aside. However, the learned counsel appearing for the respondents 2 and 3/defacto complainants, by way of filing typed set of papers enclosing the plaint, brought to the notice of this Court that the civil suit referred by the petitioners is not pertaining to the property in question and it relates to a different suit property. Hence, the only ground raised by the petitioners that since civil suit is pending, the impugned order passed by the District Revenue Officer has to be set aside, is not available to them.

7. In view of the aforesaid reasons, I do not find any reason to interfere with the order passed by the District Revenue Officer. Accordingly, this Criminal Revision case is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

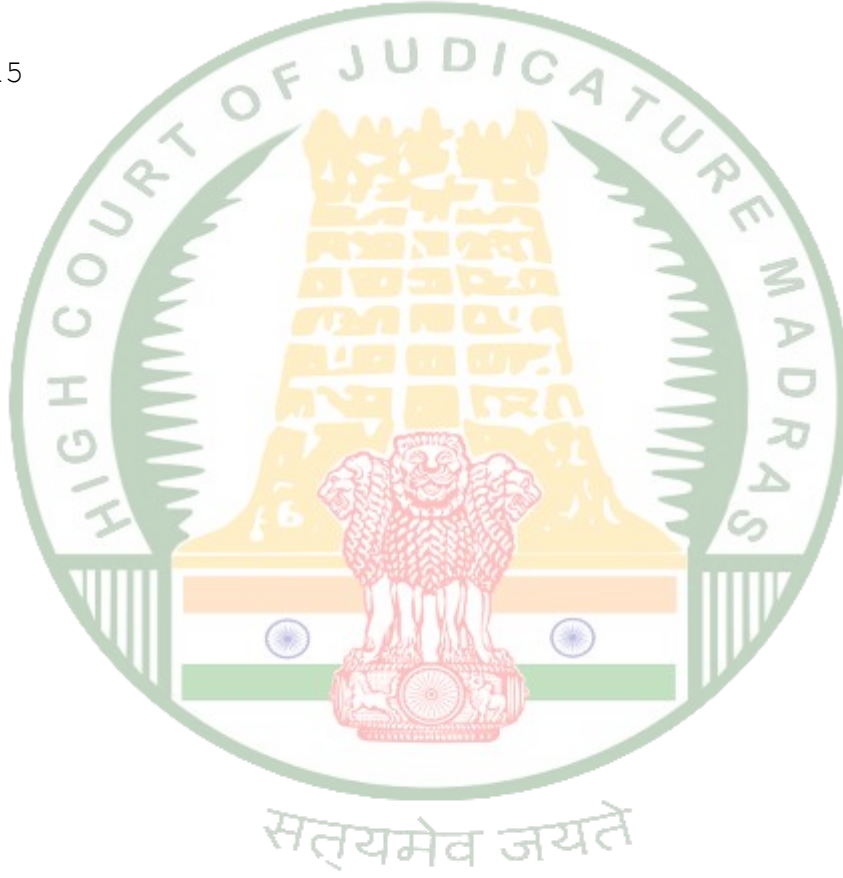
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To

1. The District Revenue Officer cum Sub Collector,
Hosur.
 2. The Public Prosecutor, High Court, Madras
- + cc to Mr.P. Subba Reddy, Advocate Sr.39215

Crl RC No.425 of 2015

GP (CO)
Eu 17.08.15



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