



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2015

CORAM

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

**Crl.O.P. (MD)No.5473 of 2015**

**and**

**M.P. (MD) .No.1 of 2015**

1. M.Selvam

2. M.Mohan

... Petitioners/Petitioners

Vs.

1. The Executive Magistrate cum-Tahsildar,  
Kovilpatti,  
Tuticorin District.

2. The Inspector of Police,  
Kovilpatti West Police Station,  
Kovilpatti,  
Tuticorin District.

3. K.Kamalakaran  
4. Velammal

... Respondents/Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to set aside the impugned order passed by the first respondent vide his proceedings in Na.Ka.No.A6/7654/2014 dated 23.05.2014 under Section 133 of Cr.P.C. in respect of the petitioners land in Survey No.671/1 in Pandavarmangalam Village.

For Petitioners : Mr.M.P.Senthil

For R1 and R2 : Mrs.S.Prabha

Govt. Advocate (Crl.side)

**ORDER**

This Criminal Original Petition is filed to set aside the impugned order passed by the first respondent vide his proceedings in Na.Ka.No.A6/7654/2014 dated 23.05.2014 under Section 133 of Cr.P.C. in respect of the petitioners land in Survey No.671/1 in Pandavarmangalam Village.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side).



3. The grievance of the petitioners is that the power under Section 133 of Cr.P.C. was exercised over a private land.

4. It is seen that the order has been passed on 23.05.2014 and the petitioners have filed this Criminal Original Petition only now. The petitioners in normal circumstances, ought to have gone before the first respondent and given their reply, the first respondent had to give his response.

5. The learned counsel for the petitioners submitted that subsequently a reply has been given.

6. Considering the same, the first respondent is directed to pass final orders within a period of six weeks from the date of receipt of a copy of this order after affording an opportunity to the petitioners. The first respondent will have to take into consideration of the nature of obstruction including the title to the property.

7. With the above direction, this Criminal Original Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1. The Executive Magistrate cum-Tahsildar,  
Kovilpatti, Tuticorin District.
2. The Inspector of Police,  
Kovilpatti West Police Station,  
Kovilpatti, Tuticorin District.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1cc to Mr. M.P.Senthil, Advocate Sr.No.17055  
akv  
AA/23.04.2015/2p- 5c/

Cr1.O.P. (MD) No.5473 of 2015  
06.04.2015