



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Crl.R.C. (MD) No.517 of 2014

and

M.P. (MD) No.1 of 2014

K.Sakthi

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Dindigul Division,
Dindigul District.

2.N.Manisekaran

... Respondents

Prayer: Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C., to call for the records pertaining to the order passed by the respondent in Na.Ka.No.3159/2013/33, dated 30.09.2014 and to set aside the order passed by the respondent in Na.Ka.No.3159/2013/33, dated 30.09.2014.

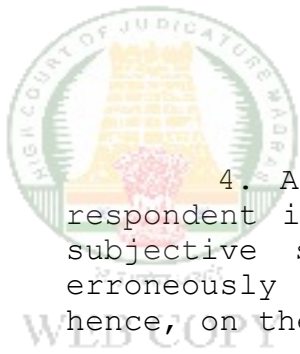
For Petitioner	: Mr.C.M.Arumugam
For R-1	: Mr.P.Kandasamy
	Government Advocate (Crl.side)
For R-2	: No Appearance

ORDER

The revision petitioner is arrayed as B-party in Na.Ka.No.3159/2013/33, dated 30.09.2014, on the file of the first respondent. Aggrieved by the restrained order, dated 30.09.2014, passed under Section 145 of Cr.P.C, he has filed this revision.

2. The learned counsel for the revision petitioner would contend that the revision petitioner has filed O.S.No.407 of 2013 on the file of the Court of District Munsif, Dindigul, praying for declaration and for permanent injunction, restraining the defendants which includes the second respondent herein from interfering with his peaceful possession and enjoyment of the property and pending disposal of the suit, he filed I.A.No.569 of 2013 for ad-interim injunction and it was also granted. Overlooking the same and without recording subjective satisfaction, the first respondent chose to pass the impugned order and hence, prays for interference.

3. This Court heard the submission of the learned counsel for the revision petitioner and the learned Government Advocate (Crl. Side) for the first respondent and perused the materials available on record.



4. A perusal of the impugned order would disclose that the first respondent in terms of Section 145(1) Cr.P.C., has failed to arrive at a subjective satisfaction as to the existence of breach of peace and erroneously came to the conclusion for invocation of 145 Cr.P.C., and hence, on the sole ground, the impugned order warrants interference.

In the result, this revision is allowed and the impugned order, dated 30.09.2014 passed by the first respondent, is set aside and it is open to the first respondent to pass appropriate orders in strict compliance of the Law. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar

/True copy/

sub Assistant Registrar(c.s)

To

The Revenue Divisional Officer,
Dindigul Division,
Dindigul District.

+1cc to M/S.C.M.Arumugam Advocate in SR.No. 6346

TS/27.02.2015/2P-3C

Cr1.R.C. (MD) NO.517 of 2014
and
M.P. (MD) No.1 of 2014

09.02.2015