



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.04.2015**

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**

WEB COPY

CRL.RC. (MD)No.10 of 2015

P.Gnanaraj : Petitioner

Vs.

1.The District Collector/District Magistrate,
Tirunelveli District.

2.S.Nellai Surya

3.Y.Muthiah : Respondents

PRAYER: Petition is filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the order passed by the District Collector cum District Magistrate in Na.Ka.No.C4/11067/2013, under Section 133 Cr.PC., dated 25.03.2013 served on the petitioner's counsel on 09.04.2013.

For Petitioner : Mr.Chakkrawarthy
For Mr.A.Abdul Kadhar

For Respondent No.1 : Mr.P.Kannithevan
Government Advocate [Criminal Side]

For Respondent Nos.2&3: M/s.Jeyapaul Associates

ORDER

The petitioner has come up with this Criminal Revision Case challenging the order passed by the District Collector cum District Magistrate in Na.Ka.No.C4/11067/2013, under Section 133 of the Code of Criminal Procedure, dated 25.03.2013.

2. The petitioner claims that he is the owner of the lands comprised in Survey Nos.1522, 1523, 1524, 1525 and 1545, North Villiyoor, Valliyoor Village, Tirunelveli District. According to him, there is a common pathway in Survey No.1521 and 1627, which has been obstructed by the respondents 2 and 3 herein. According to the petitioner, the first respondent herein ought to have considered the objections made by the petitioner and ordered for removal. But, the first respondent declined to pass any order for removal, as according to him, in the revenue records, there is no pathway shown. The petitioner, challenging the said order, is now before this Court with the present Criminal Revision Case.

3. I have heard the learned counsel appearing for the petitioner, the learned Government Advocate [Criminal Side]



appearing for the first respondent, the learned counsel appearing for the respondents 2 and 3 and perused the records carefully.

4. In my considered view, the issue is purely civil in nature, which does not fall within the ambit of Section 133 of the Code of Criminal Procedure. When the District Collector has given a finding that in the revenue records, there is no pathway shown, this Court finds no reason to take a different view on the said factual dispute. I only hold that the issue is purely civil in nature and the petitioner can work out his remedies before the appropriate Civil Court.

5. In the result, the Criminal Revision Case is dismissed with the above observations.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector/District Magistrate,
Tirunelveli District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.JAYAPPAUL,Advocate Sr.No. 19311

+1cc to Mr.EDDY AND EMOSS,Advocate Sr.No. 19065

NB

AA/04.05.2015/2p- 5c/

**ORDER MADE IN
CRL.RC.(MD)No.10 of 2015
DATED - 15.04.2015**