



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2015

CORAM:

THE HONOURABLE MRS.JUSTICE S.VIMALA

Criminal Revision Case (MD)No.416 of 2015
and
M.P.(MD)No.1 of 2015

1.Muniayya
2.Arumugam
3.Karupaiah
4.Rasu
5.Rajendran
6.Pichaimari
7.Subramaniyan
8.Muthuraman

.. Petitioners (B Party)

Vs.

1.The Revenue Divisional Officer cum
Executive Magistrate, Aranthangi,
Pudukkottai District.

2.Mujibur Rahman

.. Respondents

Revision is filed under Section 397 and 401 Cr.P.C. against the order dated 07.07.2015 in Na.Ka.No.1043/2015/A2 passed by the Revenue Divisional Officer cum Executive Magistrate, Aranthangi.

For Petitioner : Mr.R.P.Ramachanthiran

For R1 : Mr.P.Kandasamy
Government Advocate (crl. side)

For R2 : Mr.D.Ramesh Kumar

ORDER

The Revenue Divisional Officer cum Executive Magistrate, Aranthangi by the order dated 07.07.2015 has directed that both the parties shall not enter in to the properties and that until the civil suit is over, the earlier order dated 26.07.2011 will remain in force.

2.Subsequent to this order, dated 26.07.2011, the second respondent herein and others had filed a civil suit in O.S.No.32 of 2012, which is pending before the Sub Court, Pudukkottai.

3.In the earlier order dated 26.07.2011, both the parties have been directed to approach the civil court to work out their remedies. The Sub-Inspector of Police, Karur has been ordered to establish the law and order, if there is any disturbance to the public peace. This order is now sought to be extended by the order dated 07.07.2015.



4. It is only the Executive Magistrate, who directed the parties to approach the Civil Court to settle the issues. Accordingly, the second respondent had already approached the Civil Court. When the Civil Court is seized of the matter, the Executive Magistrate has no further jurisdiction to extend the order already passed on 26.07.2011. The only appropriate remedy for both the parties is to seek expeditious disposal of O.S.No.32 of 2012 pending before the learned Sub Judge, Pudukkottai.

5. In the result, the order dated 07.07.2015, passed by the learned Revenue Divisional Officer cum Executive Magistrate, Aranthangi is hereby set aside.

6. The learned Sub Judge, Pudukkottai is directed to dispose of O.S.No.32 of 2012 within a period of two months from the date of receipt of a copy of this orders.

7. This Criminal Revision Petition is ordered as indicated above. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Cr1.Side)

/True Copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer cum Executive Magistrate, Aranthangi.

2. The Subordinate Judge, Pudukkottai.

+1cc to M/s.D.Ramesh Kumar, Advocate Sr.No.60246

+1cc to M/s.R.P.Ramachandran, Advocate Sr.No.60368

akm/13.10.2015 /2p-5c/

Cr1.R.C. (MD) No.416 of 2015
12.10.2015