

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :27.01.2016

Coram

THE HONOURABLE MR. JUSTICE C.T. SELVAM

Crl.R.C.Nos.162, 353, 553 and 1070 of 2011
and
M.P.Nos.1, 1, 1, 2 & 3 and 1 of 2011

Crl.R.C.No. 162 of 2011

P.Baskar Petitioner

-Vs.-

1. M.Muniappan
2. Angappan
3. M.Vetrivendhan
4. State represented by
Inspector of Police
Karimangalam Police Station
in-charge of Dharmapuri Town Police
Crime No.8 of 2011
Dharmapuri District. Respondents

Crl.R.C.No.162 of 2011 has been filed against the order of the learned Executive Magistrate cum Tahsildhar, Dharmapuri, under Section 145 of the Code of Criminal Procedure dated 02.01.2011 in Na.Ka.1 of 2011 (B3) in FIR No.8 of 2011 dated 02.01.2011 on the file of the 4th respondent.

Crl.R.C.No.353/2011

Muniappan ... Petitioner

..vs..

1. P.Baskaran
2. M.Sevathan
3. R.Joseph
4. Inspector of Police
Karimangalam Police Station
in-charge of Dharmapuri Town Police
FIR No.8 of 2011 Respondents

Crl.R.C.No.353 of 2011 has been filed against the order of the learned Executive Magistrate cum Tahsildhar, Dharmapuri,

under Section 145 of the Code of Criminal Procedure dated 02.01.2011 in Na.Ka.1 of 2011 (B3) in FIR No.8 of 2011 on the file of the 4th respondent.

Cr1.R.C.No.553/2011

Muniappan

... Petitioner

..vs..

1. P.Baskaran
 2. M.Sevathan
 3. R.Joseph
 4. Inspector of Police
Karimangalam Police Station
in-charge of Dharmapuri Town Police
FIR No.8 of 2011
 5. Executive Magistrate - cum- Tahsildar
Dharmapuri
Dharmapuri District
- ... Respondents

Cr1.R.C.No.553 of 2011 has been filed against the order of the learned Executive Magistrate cum Tahsildhar, Dharmapuri, under Section 145 of the Code of Criminal Procedure dated 08.02.2011 in Na.Ka.1 of 2011 (B3) in FIR No.8 of 2011 on the file of the 5th respondent.

Cr1.R.C.No.1070 of 2011

P.Baskar

... Petitioner

..vs..

1. M.Muniappan
 2. Divisional Executive Magistrate -cum-
Sub Collector
Dharmapuri
Dharmapuri Town & District.
- ... Respondents

Cr1.R.C.No.1070 of 2011 has been filed against the order of the second respondent dated 23.07.2011 made in Na.Ka.No.3951/2011/A-2 in a proceedings under Section 145 of the Code of Criminal Procedure.

For Petitioner in

Cr1.R.C.162 and 1070 of 2011

and first respondent in

Cr1.R.C.353 and 553 of 2011 : Mr.R.John Sathyan

For Respondents 1 to 3 in
Crl.R.C.162 and 1070 of 2011 : Mr.AR.L.Sundaresan
and Petitioner in Senior Counsel
Crl.R.C.353 and 553 of 2011 for
Mr.G.Mohammed Asaf

For Respondent- 4 in all : Mr.C.Iyyapparaj
Revisions except 1070/11 Government Advocate

COMMON ORDER

The orders of the learned Executive Magistrate - cum-Tahsildar, Dharmapuri in Na.Ka.1 of 2011 (B3) in FIR No.8 of 2011 and in Na.Ka.No.3951/2011/A-2 were challenged by Mr.P.Baskar, petitioner in Crl.R.C.Nos.162 and 1070 of 2011. This Court was pleased to stay the same under orders dated 04.02.2011 in Crl.R.C.Nos.162 of 2011. Subsequently, Mr.Muniappan, the opposed party challenged the very same order in Crl.R.C.No.353 of 2011. This Court initially passed an order of stay in Crl.R.C.No.353 of 2011 on 04.03.2011 and in Crl.R.C.No.553 of 2011 on 08.04.2011 and on coming to its knowledge that already an order of stay was granted in Crl.R.C.No.162 of 2011, the order of stay was altered to one of status quo. Thereafter Mr.P.Baskar moved the Revenue Divisional Officer and under orders dated 08.02.2011, the Executive Magistrate was pleased to direct delivery of possession to Mr.P.Baskar. Challenging the same, Mr.Muniappan moved Crl.R.C.No.553 of 2011 and obtained stay on 08.04.2011. By way of M.P.No.2 of 2011, Mr.P.Baskar sought to vacate such order. Subsequently, Mr.M.Muniappan moved the Tahsildar for change of patta to the property in his favour under representation dated 06.06.2011. Thereupon, the Executive Magistrate has initiated proceedings under Section 145 in Na.Ka.No.3159/2011/A2/ dated 23.07.2011. Aggrieved by such action, Mr.P.Baskar has moved Crl.R.C.No.1070 of 2011 and obtained an order of stay.

2. What has been stated above is only towards informing that all the revision petitions before us are to be treated as infructuous. It is admitted by both sides that the parties are before Civil Court and agitating their rights in O.S.Nos.4 of 1997 and 305 of 2003 on the file of Sub Court, Dharmapuri. It is informed that the vendors of Mr.P.Baskar have obtained orders of injunction on 26.08.2011 against interference with their peaceful possession and enjoyment. It is admitted position that Mr.Muniappan has sought to vacate the order of injunction. Therefore, when the parties are agitating their causes in right earnest before the Civil Court, this Court is of the view that it is appropriate to allow the Civil Court to decide the issue. However, the order of the Executive Magistrate wherein keys of the premises disputed has been handed over to Mr.P.Baskar cannot be allowed to stand, since such order came to be passed while an

order of stay of proceedings in Na.Ka.No.1 of 2011 (B3) in FIR No.8 of 2011, was in force.

3. Accordingly, the revisions shall stand disposed of with the following observations:-

(i) It is open to the parties to agitate their respective causes before the Civil Court.

(ii) Mr.P.Baskar is required to deposit the keys of the premises at the Sub Court, Dharmapuri, wherein O.S.No.305 of 2013 is pending on or before 10.02.2016.

(iii) This Court would expect the Sub Court, Dharmapuri to dispose of the cases in O.S.Nos.4 of 1997 and 305 of 2003 as expeditiously as possible. The handing over of keys to the premises would follow the decisions in the actions and accordingly may be ordered. Consequently, connected Miscellaneous Petitions are closed.

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-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To

1. The Principal District and Sessions Judge, Dharmapuri, Dharmapuri District.
2. The Sub Judge, Dharmapuri.
3. The Inspector of Police, Karimangalam Police Station, Incharge of Dharmapuri town Police, Dharmapuri.
4. The Executive Magistrate cum Tahsildar, Dharmapuri.
5. The Executive Magistrate cum Sub Collector, Dharmapuri.
6. The Section Officer, Criminal Section, High Court, Madras.

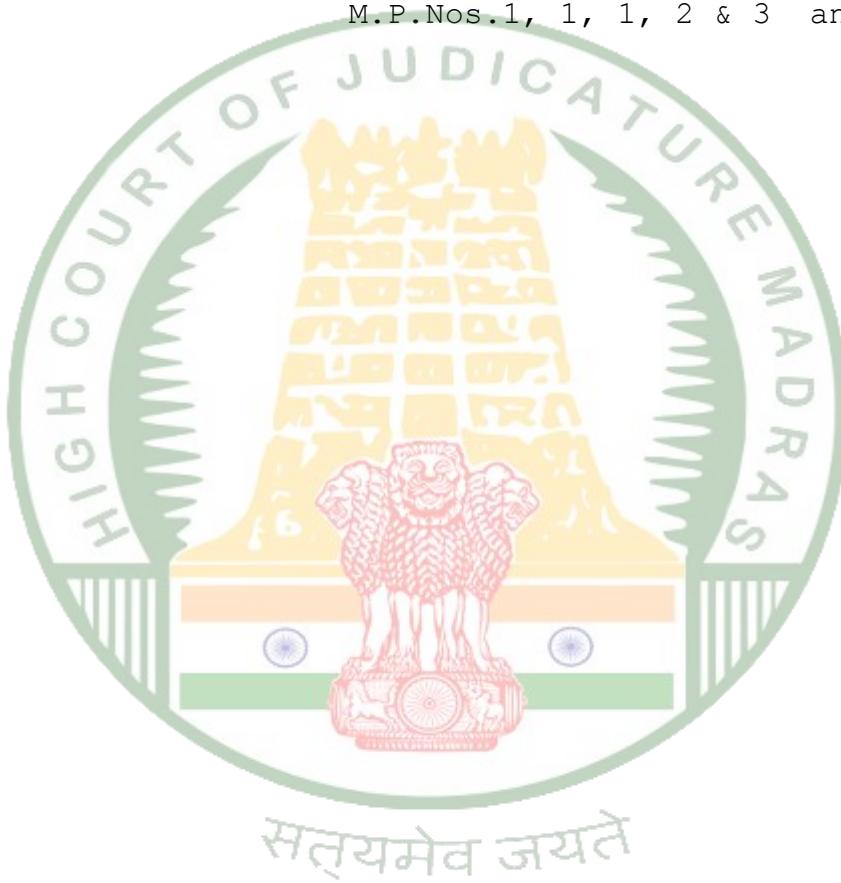
7. The Public Prosecutor
High Court, Madras.

+ 2 ccs to Mr.G.Mohammed Aseef, Advocate SR 5175

+ 1 cc to Mr.John Sathiyar, Advocate SR 5190

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Crl.R.C.Nos.162, 353, 553 and 1070 of 2011
and
M.P.Nos.1, 1, 1, 2 & 3 and 1 of 2011



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