

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2016

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Cr1.R.C.No.975 of 2015

and

M.P.No.1 of 2015

N.Kalaimamani @ Murugan
S/o.Nagarathinam

...Petitioner

Vs.

The Revenue Divisional Officer-cum-
Executive Magistrate,
Ponneri.

... Respondent

Criminal Revision filed under section 397 r/w 401 of the
Code of Criminal Procedure, against the order of the respondent
passed in Na.Ka.No.1949/2014/A1 on 12.08.2015.

For Petitioner : Mr.T.S.Rajamohan

For Respondent : Mr.C.Iyyapparaj,
Government Advocate [Cr1.side]

सत्यमेव जयते

O R D E R

This revision arises against the order of the respondent
passed in Na.Ka.No.1949/2014/A1 on 12.08.2015.

2. Heard learned counsel for petitioner and learned
Government Advocate [Cr1.side].

3. Petitioner had earlier moved this Court challenging the
proceedings u/s.133 Cr.P.C. initiated by the respondent in
Cr1.R.C.No.775 of 2015. Under orders dated 04.08.2015, this
Court had required the petitioner to appear before the
respondent on 11.08.2015 at 04.00 p.m. for a personal hearing.

This Court had informed that if the petitioner fails to appear before the Court on the said date, the respondent would be at liberty to pass orders on merits. It is the contention of learned counsel for petitioner that he did appear before the respondent on the appointed date and time and sought copies of the inspection report of the Tahsildar, Ponneri and the report of the Director of Fisheries towards enabling him to file a detailed reply. As against the contention of learned counsel for petitioner an order has been passed on 12.08.2015 by the respondent requiring the petitioner to remove the prawn hatchery on or before 05.00 p.m. on 21.08.2015 failing which the same would be removed at his risk as to costs and consequences. The order informs that the petitioner has not presented himself on 11.08.2015 at 04.00 p.m. as directed by this Court. The claim of the petitioner of having done so is supported by a communication addressed by him to the respondent, the same having been forwarded also through courier. Without dwelling at length on the propriety or otherwise of the actions of either side, this Court considers it appropriate to set aside the order under challenge.

This Criminal Revision shall stand allowed. The order of the respondent passed in Na.Ka.No.1949/2014/A1 on 12.08.2015, shall stand set aside. Petitioner is directed to appear before the respondent at 10.30 a.m. on 11.02.2016. Petitioner shall be provided with such records/reports as required by him and to the extent available with the respondent. Thereafter, a date of hearing shall be fixed on which date the petitioner shall co-operate towards completion of proceedings.

gm

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Revenue Divisional Officer-cum-
Executive Magistrate, Ponneri.

2.The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.T.S.Rajamohan, Advocate Sr 6277

KR/5/2/16

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