

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2016

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM
Crl.R.C.No.1432 of 2016
and
Crl.M.P.No.12445 of 2016

M.Loganathan

.. Petitioner

vs.

1. The Tahsildar cum Executive Officer,
Cheyyur Taluk,
Kancheepuram District.

2. The Inspector of Police,
Cheyyur Police Station,
Cheyyur,
Kancheepuram District.

3. Lakshmanan

.. Respondents

Criminal Revision filed under Section 397 and 401 Cr.P.C.
against the order of first respondent dated 03.08.2016 in
Na.Ka.3561 of 2016/A and to set aside the same.

For Petitioner : Mr.G.Magesh Kumar

For Respondents: Mr.K.Madhan
Government Advocate
[Crl.side] R1 & 2

सत्यमेव जयते

O R D E R

This revision challenges the order of the learned Executive Magistrate in Na.Ka.3561 of 2016 dated 03.08.2016.

2. It is the claim of the petitioner that the property solely belonging to him is being wrongfully sought to be used as a thorough way in the conduct of the temple festival, involving use of a temple cart.

3. A perusal of the order under challenge informs that towards avoiding law and order problem, the first respondent has passed an interim order enabling the conduct of the temple

festival. The learned Executive Magistrate has on perusal of revenue records informed that one of the property holders stood excluded and hence it was necessary to conduct re-survey. Of total extent of 68 cents, the petitioner has purchased 0.22 cents. As per the order of the Executive Magistrate, the petitioner was absent during enquiry.

4. Learned counsel for the petitioner submits that petitioner has preferred many complaints before the respondent and petitioner has not been given prior notice.

5. The order under challenge is only an interim order. Hence, in the interests of natural justice, this Court leaves it open to the petitioner to put forth his case at the time of enquiry and of course, it is open to the first respondent to consider all rival claims, at the time of passing final orders.

6. With the above observations, this Criminal Revision Case is disposed of. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vrc

To

1. The Tahsildar cum Executive Officer,
Cheyyur Taluk,
Kancheepuram District.

2. The Inspector of Police,
Cheyyur Police Station,
Cheyyur,
Kancheepuram District.

+1 cc to Mr.G.Magesh kumar Advocate sr 68572

CrI.R.C.No. 1432 of 2016

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