

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.01.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Cr1.R.C.No.548 of 2013

&

M.P.No.1 of 2013

G.Balakrishnan

.. Petitioner

vs.

State represented by
The Inspector of Police
Kumaralingam Police
Tiruppur District

.. Respondent

Criminal Revision filed under section 397 and 401 Cr.P.C.
against the judgment of Revenue Divisional Officer cum Executive
Magistrate, Udumalpet in M.C.No.1 of 2013 on 22.03.2013.

For Petitioner : Mr.R.Sudhakar
for
Mr.S.Shankar

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

O R D E R

This revision challenges the order of the Revenue Divisional
Officer cum Executive Magistrate in his proceedings M.C.No.1/13
dated 22.03.2013.

2. Heard learned counsel for petitioner and the learned
Government Advocate (Cr1.side).

3. In ostensibly passing an order pursuant to a proceeding
under Section 145 Cr.P.C, the Revenue Divisional Officer
(hereinafter referred to as "RDO") has imposed certain
conditions to be complied with by the parties in relation to a
Dargah. No such power lies with the RDO in proceeding u/s. 145
Cr.P.C. Learned counsel for petitioner also informs that under
orders in I.A. 595/2010 in O.S.No.18/20100 the District Munsif
Udumalpet has granted an injunction in favour of the petitioner
against disturbance with his possession. The RDO has also

required the premises in dispute to be affixed with two locks, with both A and B parties being given keys thereto, as in his view neither party is able to establish their right to the property in dispute. Pending determination thereof by the competent court he has imposed certain conditions. Such a course is not permitted in law.

4. Criminal Revision is allowed and the proceedings of RDO, Udumalpet in M.C.No.1 of 2013 on 22.03.2013 is quashed. Connected miscellaneous petition is closed. It is also informed that in I.A.No.192/2013 in O.S.No.62/13, another action, injunctions stands granted against disposal of property. It will be open to the rival parties to workout their remedy before civil forums.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Revenue Divisional Officer
cum Executive Magistrate, Udumalpet

2.The Public Prosecutor,
High Court, Madras.

+1cc to M/s. S. Shankar, Advocate, S.R.No.3036

RSK(CO)
EU(15/03/2016)

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