

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23.06.2017

Coram

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.No.8726 of 2017
and
Crl.MP No.6237 of 2017

J.Ezhilarasi

.. Petitioner

Vs.

1.The Revenue Divisional Officer/
Sub Divisional Magistrate,
Kallakurichi,
Villupuram District.

2.The Tahsildar,
Kallakurichi Taluk,
Villupuram District.

3.Kamalam

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C to direct the respondents 1 and 2 to take action under Section 133 Cr.P.C for removal of the nuisance caused by the third respondent in the right of way to the petitioner's house bearing Door No.25, Selva Nagar, comprised in S.F.No.85/2, Tyagadurugam Village, Kallakurichi Taluk, Villupuram District by considering her complaints dated 10.03.2017 and 10.04.2017.

For Petitioner :Mr.N.Manokaran
For R1 & R2 :Mr.C.Emalias, APP
For R3 :Mr.N.Suresh

ORDER

The present Criminal Original Petition has been filed seeking a direction to the respondents 1 and 2 to take action under Section 133 Cr.P.C for removal of the nuisance caused by the third respondent in the right of way to the petitioner's house bearing Door No.25, Selva Nagar, comprised in S.F.No.85/2, Tyagadurugam Village, Kallakurichi Taluk, Villupuram District by considering the petitioner's complaints dated 10.03.2017 and 10.04.2017.

2.Heard the learned counsel for the petitioner, learned Additional Public Prosecutor appearing for the respondents 1 and 2 and the learned counsel for the third respondent.

3.The averments made in the petition, if viewed in the light of the documents enclosed in the typed set of papers, would reveal that the subject matter of the property in question is belonging to the third respondent, as claimed in the suit in O.S.No.471 of 2006 on the file of the District Munsif Court, Kallakurichi, which was ultimately dismissed. Challenging the dismissal of the suit, the petitioner filed an appeal in A.S.No.116 of 2015 on the file of the Sub Court, Kallakurichi, which is pending. When such being the case, this Court is not inclined to go into any of the aspects raised in this petition by the petitioner herein.

4.Hence, the relief sought for by the petitioner cannot be granted by this Court and the Criminal Original Petition is dismissed. However, it is open to the petitioner to raise all the contentions in the appeal in A.S.No.116/2015 on the file of the Sub Court, Kallakurichi, which, according to the parties, is yet to be disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Revenue Divisional Officer/
Sub Divisional Magistrate,
Kallakurichi, Villupuram District.

2.The Tahsildar,
Kallakurichi Taluk,
Villupuram District.

3.The Sub Court, Kallakurichi.

4.The Public Prosecutor,
High Court, Madras-104.

+ 1 cc to Mr. N. Manokaran, Advocate Sr.44627
+ 1 cc to Mr.N. Suresh, Advocate Sr.44447

Cr1.OP.No.8726 of 2017

SS(CO)
EU 26.7.17