

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.15341 of 2012

1.K. Sekar
2.Munirathinam
3.Adhi Shesiya
4.Ravi S/o. Soke
5.Ravi S/o. Egambaram
6.Kumar
7.Salaman
8.Raja
9.Anbu
Petitioners

..

Vs.

Egambaram

..

Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to quash the complaint in C.C.No.14 of 2012 on the file of the learned District Munsif Cum Judicial Magistrate, Uthukottai.

For Petitioners : Mr.P.Dhananjayan

For Respondent : Mr.T.P.Sekar

ORDER

This petition is filed seeking a direction to the respondent to quash the proceedings in C.C.No.14 of 2012 on the file of learned District Munsif Cum Judicial Magistrate, Uthukottai.

2. Heard the learned counsel for the petitioners as well as the learned counsel appearing on behalf of the respondent.

3. The only ground raised by the learned counsel for the petitioners is that the respondent herein has no title for claiming right over the property. Relying upon the title deeds and revenue documents standing in the name of petitioners, the learned counsel for the petitioners submitted that he has sufficient proof to show that the petitioners have purchased the said property on 01.09.2006. Subsequently, patta as well as the other revenue documents have also been transferred to the petitioners' names. When it was found that some of the revenue documents stood in the name of the respondent herein, the District Revenue Officer had initiated the proceedings, whereby the revenue records that stood in the name of the respondent herein came to be cancelled. As against the same, an appeal has been filed before the Commissioner of Land Administration and the same is pending.

4. The issue before this Court is as to whether the respondent herein was in possession of the land, at that particular point of time or not. The respondent herein claims title through the unregistered sale deed dated 09.12.1979. The sanctity of the unregistered sale agreement is an issue to be decided by the Civil Court.

5. I do not intend to express any of my opinion with regard to the possession of either of the parties, since it is a matter to be decided by the civil Court through a proper trial, based on the oral and documentary evidences. However, since the present petition has been filed on certain set of facts which need to be established on the basis of full and proper trial, I am of the view that the proceedings cannot be interfered with only on the basis of the fact that the petitioners are in possession.

6. In the result, the Criminal Original Petition stands dismissed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

nl/rts

To

The District Munsif Cum Judicial
Magistrate,
Uthukottai.

+ 1 cc to Mr.T. A. Sekar, Advocate Sr.77436
+ 1 cc to Mr.P. Dhananjayan, Advocate Sr.77285

Cr1.O.P.No.15341 of 2012

CS-V
EU(23/11/2017)