

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2017

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

CRL.R.C.No.1418 of 2013

C.Vasanthi

... Petitioner

Vs.

1. Mohan
Avinasi Thasildar,
Avinasi.
2. Mr.Senthil Kumar,
Thoravallur Village Administrative Officer,
West Pathi Post,
Perumal Nallur via,
Avinasi Taluk,
Thirupur District.
3. Mr.Loganathan,
Village Revenue Officer,
West Pathi post,
Avinasi Taluk,
Thirupur District.
4. Mr. Sathiya Moorthy,
West Pathi Revenue Officer,
West Pathi Post,
Avinasi Taluk,
Thirupur District.
5. Mr.Rathinam
Thoravallur Revenue Officer,
West Pathi post,
Avinasi Taluk, Thirupur District.
6. Mrs. Gnambal,
W/o. Nadarajan,
Thoravallur Makaliamman Koil Street,
Thoravallur West Pathi Post,
Avinasi Taluk,
Thirupur District.

7. Mr.Nadarajan,
Thoravallur makaliamman Koil Street,
Thoravallur West Pathi Post,
Avinasi Taluk,
Thirupur District.

... Respondents

Criminal Revision Case filed under Sections 397 and 401 of the Code of Criminal Procedure Code to call for the records in connection with the complaint in C.C.No.2103 of 2013 on the file of the Judicial Magistrate Court II, Tirupur, by its order dated 13.09.2013 and set aside the same and direct the Judicial Magistrate Court II, Tirupur to take the matter on his file and issue summons on the accused to prosecute the matter in accordance with law.

For Petitioner : Mr. S.K.Rakhunathan

O R D E R

Challenging the order dismissing the private complaint filed by the petitioner under Section 203 Cr.P.C., present revision has been filed.

2. The petitioner has filed a private complaint against the respondents on the ground that the petitioner is in possession of an extent of 2 cents of land in Survey No. 174/1A, Thoravallur village, Thiruppur taluk, Coimbatore District and she is in enjoyment of the above property. Now, the respondents, who are the president of the village panchayathat, Village Administrative Officer and the Tahsildar, had illegally entered into the patta land and removed the shed put up by the petitioner and caused damage.

3. The Court below dismissed the complaint stating that the petitioner has failed to produce any materials prima facie to show that the respondents have removed the shed and other things put up in the patta land.

4. Challenging the above order, the petitioner/complainant has filed the present revision before this Court.

5. The learned counsel appearing for the petitioner would submit that the petitioner is in possession of 2 cents of the land and patta was also granted to her, where she had put up a shed and residing there and the respondents, revenue authorities, without notice whatsoever removed the entire shed and caused damage and thereby, committed a criminal act.

6. Even though notice was issued to all the respondents and their name was also printed in the cause list, none was represented on behalf of the respondents.

7. I have heard the learned counsel for the petitioner and perused the materials available on records carefully.

8. In order to establish that the shed was removed from the patta land, the petitioner did not produce any materials before the Court below. Apart from that, even in her sworn statement, she has stated that she was in possession of the land for the past 30 years. The petitioner has also filed the details obtained under the Right Information Act, which shows that the petitioner has encroached more extent of land than the land allotted to her under the patta and the shed and other materials in the encroached land has only been removed by the respondents. In the above circumstances, the trial Court came to a conclusion that no prima facie case is made out to show that the respondents had removed the shed put up in the patta land of the petitioner.

9. In the above circumstances, I find no infirmity or illegality in the order passed by the learned Judicial Magistrate. Hence, this revision is liable to be dismissed.

10. In the result, the Criminal Revision Case is dismissed and the impugned order passed by the Court below is confirmed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

mrp

To

1. The Judicial Magistrate No.II,
Thirupur.

2. The Public Prosecutor,
High Court, Madras.

Crl.R.C.No.1418 of 2013

AD(CO)
NR 21/12/2017