



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CRL.O.P. (MD) No.3855 of 2017

and

Crl.M.P. (MD) Nos.2827 and 2828 of 2017

WEB COPY

1.Selvaraj
2.Moses
3.Davethu
4.Jebaraj
5.Deivanayagam

: Petitioners/ Accused 1 to 5

-Vs-

1.The Revenue Divisional Officer,
Tiruchendur,
Thoothukudi District.

: Respondent/ Respondent

2.The Sub-Inspector of Police,
Meignanapuram Police Station,
Thoothukudi District.

: Respondents/ Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records pertaining to the impugned proceedings of the first respondent in M.C.No.325 of 2016, dated 08.11.2016 and quash the same as illegal.

For Petitioners
For Respondents

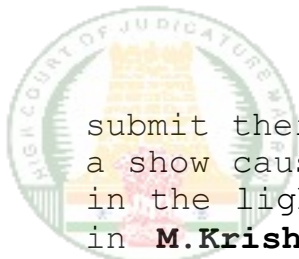
: Mr.S.R.Anbarasu
: Mr.A.P.Balasubramani,
Government Advocate (Crl.side)

O R D E R

On the report submitted by the Sub-Inspector of Police, Meignanapuram Police Station, the Revenue Divisional Officer, Tiruchendur, has initiated proceedings under Section 107 of the Code of Criminal Procedure, challenging which, the petitioners are before this Court.

2. Heard Mr.S.R.Anbarasu, learned counsel for the petitioners and Mr.A.P.Balasubramani, learned Government Advocate (Criminal side), appearing for the respondents.

3. On a reading of the proceedings dated 08.11.2016 issued by the Revenue Divisional Officer, Tiruchendur, it is seen that there is an imminent possibility of breach of peace, pursuant to dispute between Hindus and Christians in that locality in connection with certain lands. Only in those circumstances, the Revenue Divisional Officer has called upon both the parties to appear before him and



submit their representations in support of each others' claims. When a show cause notice is issued, this Court should loath to interfere, in the light of the law laid down by a Division Bench of this Court in **M.Krishnamurthy v. The Sub-Divisional Magistrate -cum- Revenue Divisional Officer (DB)** reported in **2017(1) MWN (Cr.) 199 (DB)**.

WEB COPY

4. It is the contention of Mr.S.R.Anbarasu, learned counsel for the petitioners that the Revenue Divisional Officer is attempting to decide the title to the property by asking the petitioners to produce the documents, which is beyond the scope of enquiry under Section 107 of the Code of Criminal Procedure.

5. In the considered opinion of this Court, any such order passed by the Revenue Divisional Officer is subject to judicial review of this Court and this Court cannot be perspicacious at this stage, especially, when there is an endeavour by the Revenue Divisional Officer to bring in communal peace between two communities.

6. In the result, this Criminal Original Petition is closed with liberty to the petitioners to appear before the Revenue Divisional Officer with an Advocate of their choice and place all the matters and participate in the enquiry. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

1.The Revenue Divisional Officer,
Trichendur,
Thoothukudi District.

2.The Sub-Inspector of Police,
Maignanapuram Police Station,
Thoothukudi District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.R.ANBARASU, Advocate, SR No. 50220

SML

PSM/RR/SAR2/19.04.2017/2P/5C

Order made in
CRL.O.P. (MD) No.3855 of 2017
05.04.2017