



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2017

CORAM :

THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN

Cr1R.C.(MD) No.477 of 2016

and

Cr1.M.P(MD)No.5486 of 2016

WEB COPY

1.Rajeshkumar
2.Senthilkumar
3.Manimaran
4.Krishnamoorthy

... Petitioners

Vs.

1.Soundiran @ Soundarajan

2.The Revenue Divisional Officer,
Dindigul,
Dindigul District.

... Respondents

Petition filed under Sections 397 read with 401 Cr.P.C, to set aside the proceedings of R.D.O in Na.Ka.No.7059/2015/A4 on the file of the second respondent dated 09.06.2016.

For Petitioners : Mr.H.Lakshmi Shankar
For R - 1 : Mr.M.Karunanithi
For R - 2 : Mr.C.Mayilvahana Rajendran
Additional Public Prosecutor

ORDER

This Criminal Revision Case has been filed challenging the order passed by the second respondent dated 09.06.2016.

2.Heard Mr.H.Lakshmi Shankar learned counsel for the petitioner and Mr.C.Mayilvahana Rajendran, learned Additional Public Prosecutor for the second respondent and Mr.M.Karunanithi, learned counsel for the first respondent.

3.The learned counsel for the petitioners submitted that earlier, the second respondent has passed an order on 12.10.2015 under Section 145 Cr.P.C., directing to remove the obstructions made in S.No.91/2. Against which, the first respondent has filed an application before the Tahsildar on 21.12.2015. The Tahsildar, in turn, referred the matter to the second respondent. Thereafter, the second respondent has conducted enquiry once again, and passed a revised order on 09.06.2016 and thereby set aside the earlier order passed by him. The learned counsel further submitted that the second respondent has no power to review his own order and hence, the order passed by the second respondent dated 09.06.2016 is liable to be set aside.



4.Mr.C.Mayilvahana Rajendran, learned Additional Public Prosecutor appearing for the second respondent has fairly conceded that the Revenue Divisional Officer has no power to review his own order.

5.Considering the facts and circumstances of the case and also considering the submission made by the learned Additional Public Prosecutor for the second respondent, this Court is of the view that the impugned order passed by the the second respondent dated 09.06.2016 is not correct and the same is liable to be set aside.

6.In fine, this Criminal Revision Case is allowed. The impugned order dated 09.06.2016 passed by the second respondent is set aside. However, it is always open to the first respondent to challenge the order passed by the second respondent dated 12.10.2015 if he is so advised. Consequently, CrI.MP(MD)No.5486 of 2016 is closed.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The Revenue Divisional Officer,
Dindigul,
Dindigul District.

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

+1cc to Mr.H.Lakshmi Shankar Advocate in SR. NO.63868

MJ

JS/SV/SAR.2/19.7.2017/2P-4C

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