



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.10.2017

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Cr1.O.P.(MD)No.2242 of 2011

and

M.P.(MD)No.1 of 2011

Father Antony Xavier

... Petitioner

Vs.

1.The State Represented by
Deputy Superintendent of Police,
Ambasumudrum,
Tirunelveli District.

2.The District Revenue Officer,
Tirunelveli,
Tirunelveli District.

3.The Inspector of Police,
Vikkirasingapuram,
Tirunelveli District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the impugned order dated 01.02.2011 made in Na.Ka.No.168 of 2011 on the file of the District Revenue Officer/ Additional District Judge, Tirunelveli, Tirunelveli District and quash the same.

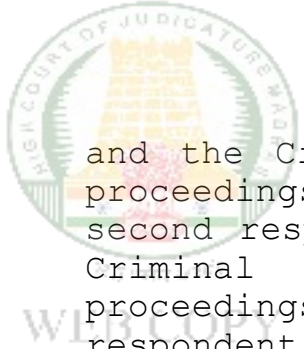
For Petitioner : Mr.J.Sankarapandian
for M/s.S.Palanivelayutham

For Respondents : Mr.K.Anbarasan
Government Advocate (Criminal side)

O R D E R

This Criminal Original Petition has been filed to quash Na.Ka.No.168 of 2011 dated 01.02.2011, pending on the file of the District Revenue Officer/ Additional District Judge, Tirunelveli, Tirunelveli District.

2.According to the petitioner, the disputed property belongs to the Roman Catholic Church in Survey No.390, 0.26.0 hectare as per Document No.M9/5955/90, in Tahsildar proceeding, dated 15.06.1990. Without considering the title in the revenue records



and the Civil Court decree passed in favour of the petitioner, proceedings under Section 145 Cr.P.C has been initiated by the second respondent is bared by law. On the aforesaid ground, the Criminal Original Petition has been filed, challenging the proceedings initiated under Section 145 Cr.P.C by the second respondent.

3.The learned Government Advocate (Criminal side) appearing for the first respondent submitted that the disputed property is not in Survey No.390 but, in Survey No.390/1 measuring an extent of 30.75.5 hectares, which is classified as un-assessed waste land in which, the petitioner church constructed a compound wall, for which the aggrieved group complained before the RDO. In order to maintain law and order problem and maintain peace in the particular locality, 145 proceedings were initiated. He further submitted that whatever grounds are available to the petitioner and the same may be agitate before the RDO. Accordingly, he prayed for dismissal of the criminal original petition.

4.Considering the facts and the circumstances of the cases, I am not inclined to quash the RDO enquiry initiated under Section 145 Cr.P.C. However, liberty is granted to the petitioner to raised all the grounds available to him before RDO. The RDO shall give opportunity of hearing to all the persons concerned and pass appropriate orders within a period of two months from the date of receipt of copy of this order.

With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1.The State Represented by
Deputy Superintendent of Police,
Ambasumudrum,
Tirunelveli District.

2.The District Revenue Officer,
Tirunelveli,
Tirunelveli District.

<https://hcservices.courts.gov.in/hcservices/>
3.The Inspector of Police,
Vikkirasingapuram,
Tirunelveli District.



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

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+1cc to M/S.S.Palanivelayutham, Advocate SR.No. 83186

Cr1.O.P. (MD) No.2242 of 2011
20.10.2017

MRN/VSG

JM/SKN RSK/SAR 1/03.11.2017/3P/6C