



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2017

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P. (MD) No.9909 of 2013
and
M.P. (MD) No.1 & 2 of 2013

1.Murugesan

2.Murali

3.Ulagu

4.Naganathan

... Petitioners/ 'A' Party

Vs.

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

... Respondent/ Complainant

2.Arulandhu

3.Maria Susai

4.Raja Sekaran

5.Savari Raj

6.Masilamani

... Respondents / 'B' Party

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the entire records pertaining to the proceedings of the first respondent vide Na.Ka.A4/1121/2013 dated 28.04.2013 and quash the same.

For Petitioner

: Mr.Balaji
for Mr.R.Anand

For Respondents

: Mr.K.Anbarasan
Government Advocate (Crl. Side)
(for R1)
: No appearance
(for R2 to R6)



ORDER

This petition has been filed by the petitioner to call for the entire records pertaining to the summon issued by the first respondent vide Na.Ka.A4/1121/2013 dated 28.04.2013 and quash the same.

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2.The case of the petitioners is that there was a dispute between the petitioners/'A' party and the 'B' party with regard to take water in Karungudi Kanmai, Thiruvadani Taluk, Ramanathapuram District. The 'B' party had already filed a civil suit in O.S.No.28 of 2013, before the District Munsif Court, Thiruvadanai. while pendency of the said civil suit, the 'A' party filed a petition before the first respondent/Revenue Divisional Officer with regard to the very same subject. After receiving the complaint from 'A' party, the first respondent issued a summon to the both parties dated 28.04.2013. Against which, the petitioners have filed this present petition before this Court.

3.Admittedly, the Revenue Divisional Officer has not taken any decision on the summon. Merely, on issuance of the summon has no right to the petitioners to file this petition under Section 482 Cr.P.C., unless a decision has been taken by the Revenue Divisional Officer in the very same subject.

4.In view of the above, I am not inclined to entertain this petition. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petitions are closed. However, it is open to the petitioners to workout their remedy in the manner known to law.

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

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

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

CrI.O.P. (MD) No.9909 of 2013
and
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