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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2018

CORAM

THE HON`BLE MR.JUSTICE N.SATHISH KUMAR

Crl.R.C.No.1152 of 2011

Rangasamy

... Petitioner/A Party

Vs

1.The Sub-Divisional Magistrate &
Revenue Divisional Officer,
Perambalur.

2.The Inspector of Police,
Perambalur Police Station,
Perambalur.

... Respondents/Respondents

3. Pachaiaammal

... Respondent/B Party

Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C.to set aside the order passed by the 1st respondent dated 25.07.2011 in Na.Ka.No.A3/8099/2010 and allow the revision.

For Petitioner : Mr. R.Nalliappan

For Respondents: Mr.R. Ravichandran
Government Advocate
[for R1 and R2]

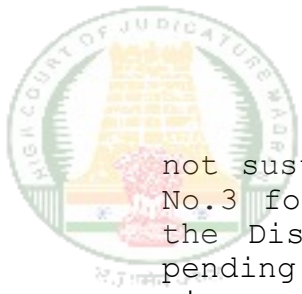
Mr.P. Valliappan [for R3]

O R D E R

This revision has been filed challenging the order passed by the Revenue Divisional Officer, Perambalur, under Section145 (1) Cr.P.C.

2. Heard both sides.

3. The learned counsel appearing for the Revision Petitioner submitted that the orders of the Revenue Divisional Officer is



not sustainable. Admittedly, civil suit filed by the Respondent No.3 for Declaration and Permanent Injunction is pending before the District Munsif Court, Perambalur. When the civil suit is pending before the Court, the Revenue Divisional Officer has given a finding as to the possession of the 3rd respondent in the disputed land. Hence, prays for setting aside the order.

4. When the Court specifically asked the learned counsel for the revision petitioner to show any document to substantiate his possession, he is not able to produce any document. When the matter was called in the morning, the junior counsel appeared on behalf of the revision petitioner has admitted that the revision petitioner is not in the possession of the property. Whereas the learned counsel appearing for Respondent No.3 would contend that he is in possession of the property and he has produced documents before the R.D.O and the R.D.O.also based on the prima facie found that 3rd respondent is in possession of the property. Though the legality of the order passed by the R.D.O.can be decided at this stage, this Court is of the view that if impugned order is set aside, again there may be a serious law and order problem and there may be a possibility of establishing the right of possession by one side who is not actually in possession of the property.

5. Therefore, this Court is of the view that at present, instead of deciding the legality of the order passed by the 1st respondent R.D.O., a direction can be issued to the learned District Munsif, Perambalur to dispose of the suit in O.S.No.511 of 2010 within three months from the date of receipt of copy of this Order. The revision petitioner and the 3rd respondent in this revision shall co-operate to complete their evidence within the period fixed by the trial Court.

6. With the above direction, the revision petition is disposed of.

Sd/-
Assistant Registrar(CS II)

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Sub Assistant Registrar



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- 1.The Sub-Divisional Magistrate &
Revenue Divisional Officer,
Perambalur.
- 2.The Inspector of Police,
Perambalur Police Station,
Perambalur.
- 3.The District Munsif,
Perambalur.
- 4.The Public Prosecutor,
High Court, Madras.

Cr1.R.C.No.1152 of 2011

rk[co]
srg 06/06/2018