



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 11.07.2018
DELIVERED ON : 25.10.2018

WEB COPY

CORAM :

THE HONOURABLE MRS. JUSTICE R. THARANI

Cr1. R.C. (MD) No.285 of 2018
and
Cr1.M.P.(MD)No.3880 of 2018

1.T.P.K.Prasath
2.Ganesh Kumar
3.Ravichandran
4.Arunachallam
5.S.Rajendran
6.Kanakaraj
7.Kamaraj

... Petitioners/B-Party

vs.

1. The Revenue Divisional Officer (RDO),
Karur District, Karur.

2. The Inspector of Police,
Crime Branch,
Chinnadharapuram Police Station,
Karur.

3. Ramasamy
4. Govindarajan
5. Devasenapathy
6. Samiyappan
7. V.K.Easwaramoorthy
8. Sakthivel
9. Vivekananda
10.S.Balasubramanian
11.Senthilnathan
12.Karthikeyan
13.Ganesan

... Respondents/A-Party

Prayer:- Criminal Revision Petition filed under Sections 397 and 401 of the Code of Criminal Procedure, 1973, to set aside the order passed by the first respondent in Na.Ka.A2/3391/2018 dated 18.05.2018 under Section 145 of Cr.P.C.



For petitioners : Mr.Karthik Ranganathan
For Respondent Nos.1&2 : Mr.M.Chandrasekaran
Additional Public Prosecutor
For Respondents 3 to 13 : Mr.Isaac Mohanlal
Senior Counsel
For Mr.Senthil Kumariah

ORDER

Heard Mr.Karthik Ranganathan, learned counsel appearing for the petitioners, Mr.M.Chandrasekaran, learned Additional Public Prosecutor appearing for the first and second respondents and Mr.Isaac Mohanlal, learned Senior counsel for Mr.Senthil Kumariah, learned counsel appearing for the respondents 3 to 13.

2.This petition is filed to set aside the order passed by the first respondent in Na.Ka.A2/3391/2018 dated 18.05.2018 under Section 145 of Cr.P.C.

3.The petitioners are the members of Shri Ram Chandra Mission and few of the petitioners are member of Karur District Sahaja Nalvazhvu Sangam (the Society/Sangam) and are plot owners. The Mission and one of the members of the Society had purchased the land to an extent of 19.89 acres in Thumbivadi village for the purpose of its ashram on 11.02.2003 by way of registered sale deed in Doc NO.926 of 2008 and they have constructed an ashram and developed several plots for the permanent devotees and their families. The seller of the property had inherited the said land from their ancestors. This land was granted to the seller's ancestors by the Settlement Officer on 04.01.1996 under the Tamil Nadu Minor Inams (Abolition and Conversion to Ryotwari) Act, 1963 after following due procedures laid down in the Act. There are 105 plot owners in the above land, and further an extent of 4.81 Acres is owned by the Mission and 2.03 Acres is owned by the Society.

4.In the adjoining land to the Mission and the Society there was a dilapidated temple which falls under Survey No.S.F.No.27 with an extent of 0.23 acre. Few years ago, some businessmen from Tirupur renovated the temple claiming it to be their Kuladeivam temple. It is further stated that on 24.03.2018, at about 09.30 p.m., 50 persons, many of them in a drunken state, headed by one Samiyappan who is stated to be the head of Sri Aanuramman Payira Kula Kalvi Samaya Samooga Nala Trust trespassed into the ashram and forcibly confined the first respondent, his wife and his nine months pregnant daughter and grand daughter. They snatched away their mobile phone and locked them in a room for 3 to 4 hours and threatened them to vacate the place. They removed the ashram's name boards, fencing and walls surrounding the plots and society land and demolished the public toilets by using JCB and tractors and created an access from



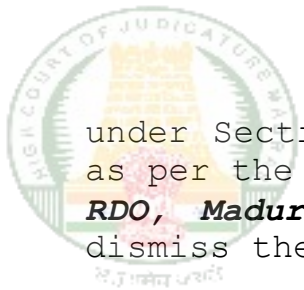
the main road.

5.The petitioners filed two civil suits in O.S.Nos.105 and 322 of 2018 before the District Munsif, Karur and before the Sub Court, Karur respectively to restrain the defendants from interfering into peaceful possession of the plaintiff's property. The petitioners filed Crl.O.P.(MD)No.6530 of 2018 before this Court and the same is still pending. The petitioners lodged a complaint before the Police on 26.03.2018. The Police has not taken any action on the complaint stating that it is a civil dispute. But the same Police has submitted a report to the first respondent/the Revenue Divisional Officer, Karur on 16.04.2018 under Section 145 of Cr.P.C., On the basis of the report, the first respondent issued a show cause notice dated 28.04.2018, directing the petitioners to appear before him on 02.08.2018 at about 05.00 p.m as to why action should not be taken under Section 145 of Cr.P.C.

6.The Mission filed a petition in W.M.P.(MD)No.8382 of 2018 in W.P.(MD)No.8974 of 2018 before this Court and this Court by order dated 23.04.2018, ordered interim injunction restraining the first respondent from proceeding with the notice dated 16.03.2018. It is further stated that the first respondent has passed an order on 18.05.2018 in Na.Ka.A2/3391/2018 under Section 145(4) of Cr.P.C., which is clearly backdated only to get over the petition filed before this Court holding that "Status Quo" has to be maintained in the petitioners' property and that the petitioners herein should obtain the permission of the second respondent if any function or gathering has to be conducted in their own patta land. The petitioners filed this petition praying to quash the order passed by the first respondent.

7.In support the Judgment passed by the Hon'ble Supreme Court of India in the case of **Amresh Tiwari v. Lalta Prasad Dubey and Another** reported in **(2000) 4 Supreme Court Cases 440** are cited.

8.On the side of the respondents 1 and 2, it is stated that the petitioners filed a petition in Crl.O.P.(MD)No.8566 of 2018 under Section 482 of Cr.P.C., and the same was disposed of by this Court on 07.06.2018. the Inspector of Police, Aravakurichi Circle lodged a complaint before the first respondent stating that there is a dispute over an extent of 19.89 acres of land comprising in S.No.26 and 28 of Anoor village, H/o Thumbivadi Village. Both parties lodged complaint against each other and there is every likely-hood of law and order problems leading to breach of peace affecting the tranquility in the village. On 02.05.2018, an order was passed by the first respondent to appear in person or through pleader to put forth their statements with documentary proof. After affording adequate opportunity of hearing both the parties and by taking into consideration of the fact that already civil suits are pending before the competent civil Courts. The first respondent has passed the impugned order. It is further stated that the first respondent is having the power to take cognizance and pass preliminary order



under Section 145(1) of Cr.P.C. The first respondent has acted only as per the guidelines issued in **Mangalanathan and another v. SDM and RDO, Madurai and another** reported in **2001 I L.W.** and prayed to dismiss the present petition.

9. On the side of the respondent 3 to 13, it is stated that the petitioners illegally trespassed into the temple land with North Indian rowdy elements had threatened the temple trustees not to perform any function or rituals. The third respondent lodged a complaint before the second respondent on 25.03.2018. On the next day, the petitioners gave a false complaint before the second respondent on 26.03.2018. While the criminal proceedings are pending, the petitioners have instituted two civil suits against the respondents. The respondents are having valid revenue records to substantiate their claim over the temple property. It is stated that Arulmigu Aanoor Amman Thirukovil was situated at S.No.27 in Thumbivadi Village, Aravakurichi Taluk, Karur District for about 400 years and the land in S.No.26 and 28 also belonged to the above said temple and the said temple is under the control of Tamil Nadu Hindu Religious and Charitable Endowments Department.

10. It is further stated that on 24.12.1862, British Government has issued Inam Pattayam No.61 in the name of the above said temple for the land situated in S.No.26 bearing an extent of 16.24 ares and the land in S.No.28 bearing an extent of 3.65 ares which totally comes around 19.89 acres. The said land has been mortgaged and income derived from the land is used to maintain the temple and to perform the rituals in the temple. During the year 1912 in the re-settlement register, the above said land was recorded in the name of Arulmigu Aanoor Amman Thirukovil. It is stated that on 09.02.1978, the Assistant Commissioner, Tamil Nadu Hindu Religious and Charitable Endowments Department, Karur has inspected the temple land with available records and submitted an inspection report stating that patta in the name of individuals was illegally given for the temple lands. During a temple function, the petitioners herein with the help of North Indian rowdy elements had threatened temple trustees not to perform any function or rituals.

11. On the side of the respondents 1 and 2, it is stated that due to the above circumstances, the Police officials were picketing regularly in the above disputed temple land in order to maintain public peace. No interim order was passed in the suits filed by the petitioners. The impugned order of status quo passed by the first respondent would not curtail the rights of both the petitioners and the respondents herein. If both the parties perform any function or rituals, they have to get prior permission from the concerned Police and that there is no necessity to set aside the order passed by the first respondent.

12. A perusal of the records reveals that the petitioners have already approached this Court and have filed a petition in CrI.M.P. (MD) Nos.3916 and 3917 of 2018 in CrI.O.P.(MD) No.8958 of 2018, this



Court has ordered interim stay in respect of passing of final order alone. Another petition filed by the Mission in W.P.(MD)No.8974 of 2018 is also pending before this Court.

13.A perusal of the records reveals that there are two civil cases pending regarding the same issue. Two criminal complaints are pending before the Police. The respondents 3 to 13 have lodged a complaint on 25.03.2018. The petitioners have filed a complaint on 26.03.2018. In the impugned order, the suits in O.S.No.105 and 302 of 2018 are stated to have been pending before the District Munsif, Karur and before the Sub Court, Karur respectively. In the meantime, the petitioners have approached this Court and filed two Crl.O.Ps. Crl.O.P.(MD)No. 8958 of 2018 another W.P.(MD)No.8974 of 2018 which are pending before this Court. Some connected matters in W.P.(MD) No.11296 of 2018 is also pending before this Court.

14.Both sides are claiming title over the property and both the parties alleged each other to have criminally trespassed into the other's property. It is for the civil Court to decide the title. Maintaining peace in the locality is more important than any other aspect. Show cause notice will not curtail the rights of the parties. In the above circumstances, the show cause notice issued by the Revenue Divisional Officer is necessary.

15.On the side of the petitioners, it is stated that in the impugned order Survey No.27 was not included and only Survey Nos.26 and 28 were included and that the petitioners have to obtain permission from the second respondent and it is not necessary for the respondents 3 to 13 to get any such permission and that this impugned order seems to be supporting the respondents 3 to 13 and that the order is only against the petitioners.

16.In the above circumstances of this case, the impugned order to maintain status quo is necessary until appropriate orders is passed by the competent Court. As one of the party is said to be in possession of Survey no.27, it is appropriate to include Survey No.27 in the impugned order.

17.The RDO is directed to include Survey No.27 in the impugned order. With the above direction, this Criminal Revision Case is disposed of. Consequently, Crl.M.P.(MD)No.3880 of 2018 is closed.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar (CS-IV)



To

1. The Revenue Divisional Officer (RDO),
Karur District,
Karur.

2. The Inspector of Police,
Crime Branch,
Chinnadharapuram Police Station,
Karur.

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

+ 1 CC TO Mr.KARTHICK RANGANATHAN, ADVOCATE IN SR No. 92701

MRN

TE/PM/SAR-4 : 19/11/2018 : 6P/5C

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