



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2018

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.R.C(MD)No.458 of 2017

and

Crl.M.P. (MD) Nos.4922 and 5805 of 2017

Ramachandran

: Revision Petitioner

Vs.

1.Jegadeeshkumar
2.Thoppurajan
3.Arumugasamy
4.Arunkumar
5.Suthananthapandian
6.Kamaraj
7.Balamurugan
8.Karthik Kumar
9.Bharathi
10.Jakkammal
11.Kanthamani
12.Muthusamy
13.Athimuthu
14.Gunaseelan
15.Muniasamy
16.Savarimuthu
17.Muthu Irulappan
18.The Sub Divisional Magistrate Cum
Sub Collector, Paramakudi,
Ramanathapuram District.

: Respondents

PRAYER: Revision filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to call for the records in Na.Ka.No.A2/4718/2016 dated 24.05.2017 and to set aside the order passed by the Sub Divisional Magistrate Cum Sub Collector, Paramakudi, Ramanathapuram District.

For Petitioner : M/s.S.Bharathi

For R-1 to R11 and R-17: No appearance

For R-12 to R-16 : Mr.T.Indrachithu

For R-18 : Mr.Robinson,
Government Advocate (Crl.Side)

**ORDER**

This Criminal Revision case is filed against the order dated 24.05.2017 in Na.Ka.No.A2/4718/2016 passed by the Sub Divisional Magistrate Cum Sub Collector, Paramakudi, Ramanathapuram District.

2. Heard the learned counsel for the petitioner, learned Government Advocate (Crl.side) appearing for the eighteenth respondent and the learned counsel appearing for the respondents 12 to 16.

3. The dispute is regarding the piece of land in survey Nos.243/1B, 243/2B, 244/4B and 243/8, which were located near 1 acre 89 cents of patta land belonging to the Ramachandran, the revision petitioner herein. Adjacent to the said land, 63 cents of land is available, which is meant for the pathway to reach the Karuppasamy Temple. It is the common pathway, used by the villagers. While so, the earlier attempt of acquiring the patta land of the petitioner, Ramachandran has been subjected to challenge and it appears that an interim direction has been granted by the Division Bench of this Court, so far as the pathway to an extent of 63 cents, is concerned. The revision petitioner herein has no right or claim over it.

4. It is stated by the learned counsel for the revision petitioner that 1.89 cents is in his possession and he is cultivating the said land and keeping it absolutely.

5. In such circumstances, I find no reason as to why the revision petitioner should challenge the RDO order passed under Section 145(1) Cr.P.C, wherein he has said that the pathway, which is used to have an access to the Karuppasamy Temple, should not be disturbed by the petitioner herein. Hence, this Criminal Revision Case is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (WRITS)

// True Copy //

Sub Assistant Registrar (CS-I)

To

1. The Sub Divisional Magistrate Cum
Sub Collector,

<https://hcservices.mca.gov.in/>

Ramanathapuram District.



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

3.The Principal District Judge,
Ramanathapuram.

4.The District Munsif,
Kamudhi.

+ 1 CC TO MR.T.INDRACHITHU, ADVOCATE IN SR NO. 81266

CP

BU/SKN/SAR-I : 28.09.2018 : 3P/6C

ORDER MADE IN
Cr1.R.C (MD) No.458 of 2017
30.08.2018