



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

CRL.O.P.(MD)No.12517 of 2018

C.Ramamoorthy

.. Petitioner

Vs.

1. State through
The Inspector of Police,
Thirupparankundram Police Station,
Madurai City.

2. M.Rajalakshmi

.. Respondents

Petition is filed under Section 482 of the Criminal Procedure Code to direct the 1st respondent not to harass the petitioner and his family members based on the enquiry.

For Petitioner	: Mr.R.Manickam
For R1	: Mr.K.Suyambulinga Bharathi Government Advocate(Crl.Side)
For R2	: Mr.M.S.Jeya Karthik Mr.L.Prabhakaran (Advocate Commissioner)

O R D E R

This Criminal Original Petition has been filed seeking direction to the first respondent not to harass the petitioner and his family members based on the enquiry.

2.Considering the dispute between the parties, this Court, by the order dated 23.07.2018, has appointed an Advocate Commissioner to inspect the property in dispute and submit a report.

3.Today, the Advocate Commissioner has submitted a report stating that a water channel is in existence in various survey numbers at Thirupparankundram village, Madurai District, width about 2 feet. The concerned officials of the PWD department and the Village Administrative Officer also endorsed that the water channel is passing through patta lands.



4.The learned Government Advocate appearing for the first respondent, on instructions, submitted that in the respect of the dispute between the parties, they have to approach the authority concerned or the Court concerned, seeking appropriate relief and therefore, the complaint preferred by the petitioner cannot be entertained.

5.The learned counsel appearing for both sides agreed to approach the Tahsildar, Thirupparankundram, seeking appropriate remedy.

6.In the light of the consent given by both parties, the parties are directed to approach the Tahsildar, Thirupparankundram within a period of two weeks from the date of receipt of a copy of this order, seeking appropriate remedy. If any such petition is filed by any of the parties, the same shall be considered by the Tahsildar, Thirupparankundram, independently, on the basis of the revenue records and also taking note of the report filed by the Advocate Commissioner before this Court on 26.07.2018. Further, pursuant to the order passed by the Tahsildar, Thirupparankundram, the parties can seek their remedy before the competent forum for further relief in accordance with law, if so advised.

7.With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The Inspector of Police,
Thirupparankundram Police Station,
Madurai City.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.R.MANICKAM, ADVOCATE IN SR No. 75371
+ 1 CC TO Mr.JEYA KARTHICK, ADVOCATE IN SR No. 75554

MJ
TE/RSK/SAR-3 : 11/08/2018 : 2P/5C

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