



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.15013 of 2013 and
M.P.No.1 of 2013

J.Muzafer Fathima

... Petitioner

Vs.

1. The Tahsildar and Executive Magistrate,
Mylapore Triplicane Taluk,
Chennai.
2. The Inspector of Police,
Law & Order, El Mylapore Police Station,
Chennai.
3. A.K.Jarook Ali
4. K.A.M.Mohammed Abubacker

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records of 1st respondent dated 30.05.2013 in E1/17671/2013 and quash the same.

For Petitioner : Mr.N.A.Nissar Ahmed

For Respondents : Mrs.T.P.Savitha for
Govt. Advocate (Crl.Side)
for R1 & R2

ORDER

This criminal original petition has been filed seeking to quash the order dated 30.05.2013 in E1/17671/2013 passed by the first respondent.

2 The learned counsel appearing for the petitioner would submit that the first respondent had called the petitioner to appear for enquiry on 30.05.2013 and he also appeared and on the same day without giving any opportunity, passed the impugned order, without even mentioning who was in possession on the date of passing the impugned order.

3 The learned Government Advocate (Crl.Side) would submit that both A & B parties are claiming title over the disputed property and disturbed public peace and tranquility and therefore the first respondent had passed the impugned



order sealing the Building and it is still under the control of the first respondent.

4 Heard the learned counsel appearing on either side and perused the materials available on record.

5 It is seen that the building was sealed by the first respondent on 30.05.2013 and it is still under the control of the first respondent. The first respondent has not taken any further steps to retrieve the issue and put the building in use. The building is still idle for more than six years without any use. Hence this Court is inclined to set aside the impugned order of the first respondent.

6 Accordingly, the impugned order dated 30.05.2013 passed by the first respondent is hereby set aside and the parties are directed to approach the Civil Court to get their title over the disputed property. The first respondent is directed to release the lock and put the building for use, if any threat to public peace and tranquility, notice shall be issued to the party concerned and thereafter pass orders in accordance with law.

7 With the above observation and directions, this criminal original petition is disposed of. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Tahsildar and Executive Magistrate,
Mylapore Triplicane Taluk, Chennai.
2. The Inspector of Police,
Law & Order, El Mylapore Police Station, Chennai.
3. The Public Prosecutor,
High Court of Madras.

+1cc to M/s.N.A.Nissar Ahmed, Advocate Sr.94937

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bp[co]
srg 27/12/2019