

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.2717 of 2019 and  
CrI.M.P.Nos.1740 & 1742 of 2019

Latha

... Petitioner

Vs.

1.The Sub Collector of  
cum Revenue Divisional Officer,  
Tiruppur Division, Tiruppur  
Tiruppur District

2.The Tahsildar,  
Tiruppur North taluk,  
Tiruppur District.

3.The Inspector of Police,  
Tiruppur North Police Station  
Tiruppur.

4.Rokkaraj

5.Lakshmi

6.Sugumaran

7.Rajendran

8.Veera sivakumar

9.Jayaprakash

10.Jothi Jayaprakash

11.V.Chandralekha

12.R.Vijayalakshmi

13.S.Veerasamy

14.Rajeswari

15.C.Vijayanandh

... Respondents

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to call for the records of the impugned notice dated 08.01.2019 served on 23.01.2019 made in Na.Ka.No. 4852/2018/A2 on the file of the 1<sup>st</sup> respondent and to quash the same.

For Petitioner : Mr.John Sathya

for C.Prabakaran

For RR1 to R3 : Mr.M.Mohamed Riyaz,

Additional Public Prosecutor

For R4 & R5 : Mr.Sivarthanan

For R6, R11 & R12 : Mr.K.Myilsamy

For R15 : Mr.R.Karunagaran

O R D E R

This petition has been filed to challenge the notice issued on 08.01.2019 vide Na.Ka.No. 4852/2018/A2 by the first respondent herein.

2. The learned counsel for the petitioner would submit that the petitioner pending patta proceedings before the first respondent, was dispossessed from the disputed property. In view of the order passed by this Court in writ proceedings, now, the matter has been remitted before RDO to consider the patta appeal proceedings afresh. While being so, the petitioner has been dispossessed of the entire property. Therefore, he lodged a complaint before the third respondent on 10.12.2018. On his complaint, the matter has been referred under Section 145 of Cr.P.C., to conduct an enquiry before the first respondent. The first respondent issued notice to all the parties to conduct enquiry under Section 145 of Cr.P.C.

3.Considering the above facts and circumstances, this Court directs the first respondent to proceed with the enquiry, after hearing all the parties on due notice to all the parties and pass orders, in view of the order passed by this Court and also patta proceedings pending before the same respondent.

4.The first respondent shall bear in mind that there is a specific provision in respect of repossession of the property under Section 145(6). In view of the same, the first respondent is directed to conduct an enquiry and pass appropriate orders with a period of six weeks from the date of receipt of a copy of this order.

5.With the above direction, the criminal original petition is disposed of. Consequently, connected miscellaneous petitions are closed.

-s/d-  
Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

at/vsn

To

1.The Sub Collector of  
cum Revenue Divisional Officer,  
Tiruppur Division, Tiruppur  
Tiruppur District

2.The Tahsildar,  
Tiruppur North taluk,  
Tiruppur District.

3.The Inspector of Police,  
Tiruppur North Police Station  
Tiruppur.

4. The Public Prosecutor,  
High Court, Madras.

+1 CC to Mr.M.Sivavarthan, Advocate sr 22133.

+1 CC to Mr.K.Myilsamy, Advocate sr 21644.

+1 CC to Mr.C.Prabakaran, Advocate sr 21416.

+1 CC to Mr.R.Karunakaran, Advocate sr 21544.

Crl.O.P.No.2717 of 2019 and  
Crl.M.P.Nos. 1740 & 1742 of 2019

SP(18/03/2019)



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