

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.4743 of 2019

Velusamy

.. Petitioner

Vs.

- 1.The Executive Magistrate-cum
Revenue Divisional Officer,
Tiruchengode,
Namakkal District.
- 2.The Tahsildar,
Tiruchengode Taluk,
Namakkal District.
- 3.The Deputy Superintendent of Police,
Tiruchengode,
Namakkal District.
- 4.The Inspector of Police,
Elachipalayam Police Station,
Tiruchengode Taluk,
Namakkal District.
- 5.The Sub-Inspector of Polcie,
Mallasamudram Police Station,
Tiruchengode Taluk,
Namakkal District.

6.M.Shanmugam

.. Respondents

Prayer :- Criminal Original Petition filed under Section 482 of Cr.P.C. to directing the respondents 2 to 5 to implement the order passed by the 1st respondent in M.C.02/2018/C dated 27.09.2018.

For Petitioner : Mr.K.Soundararajan
For Respondents : Mr.M.Mohamed Riyaz
Addl. Public Prosecutor.

ORDER

This petition has been filed seeking direction to the respondents 2 to 5 to implement the order passed by the Revenue Divisional Officer in M.C.02 of 2018/C.

2.It is seen that the 1st respondent conducted an enquiry and passed an order dated 27.09.2018 in M.C.No.02 of 2018/C, thereby directing the 6th respondent to remove the iron gate put up by him in survey No.53/1 in the common path way, which in respect of the lands in Survey Nos.53/2B, 53/6, 53/7 and 53/8 should be partitioned based on the measurements taken by the head surveyor by the petitioner and Mr.K.Balasubramaniam and further directed to remove the two thatched houses in the South-East part of Survey No.53/1 in 0.20 acres should be removed by Mr.K.Balasubramaniam. A Cart Track has to be formed as per the measurement given by the Head Surveyor out of the 0.20 acres of common lands owned by petitioner, K.Balasubramaniam, C.Muthusamy, K.Velusamy and Rangasamy and 0.10 acres owned by the 6th respondent and S.Perumal in Survey No.53/1 and the Cart Track has to be formed in an extent of 0.28 acres and also given directions.

3.After the order passed by the 1st respondent, by a communication dated 17.12.2018, the 1st respondent directed the respondents 2 to 5 to

implement the said order and report compliance. On 27.09.2018, the 1st respondent directed the other revenue officials to comply the said order and report compliance. But, the respondents 2 to 5 did not take any steps to comply the said order. Therefore, the petitioner has sent a representation to the 2nd respondent to comply the order passed by the 1st respondent herein. Even after receipt of the same, no steps has been taken by him.

4.Considering the facts and circumstances of the case, this court deems it fit to direct the respondents 2 to 5 to implement the order passed by the 1st respondent in M.C.02/2018/C dated 27.09.2018 and file a final report within a period of six months, from the date of receipt of copy of this order, subject to the orders if any, passed on the appeal filed by any other party.

5.With the above directions, the Criminal Original Petition is disposed of.

21.02.2019

Internet:Yes
Index:Yes/No
Speaking/Non speaking order

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G.K.ILANTHIRAIYAN. J,

rm

To

- 1.The Executive Magistrate-cum
Revenue Divisional Officer,
Tiruchengode,
Namakkal District.
- 2.The Tahsildar,
Tiruchengode Taluk,
Namakkal District.
- 3.The Deputy Superintendent of Police,
Tiruchengode,
Namakkal District.
- 4.The Inspector of Police,
Elachipalayam Police Station,
Tiruchengode Taluk,
Namakkal District.
- 5.The Sub-Inspector of Polcie,
Mallasamudram Police Station,
Tiruchengode Taluk,
Namakkal District.
- 6.The Public Prosecutor,
High Court, Madras.



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