

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2019

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.RC.No.792 of 2019
and
CRL.MP.No.11535 of 2019

1. C.Somasundarm
2. Ramesh

3. Pappathi

4. Tmt.Nithya @ Maheswari

5. Killyvalavan

6. Mohanavannan

... Petitioners

Vs.

State by

1. The Divisional Executive Magistrate/
Revenue Divisional Officer,
Erode, Erode District.

2. The Inspector of Police,
Chennimalai Police Station,
Chennimalai, Erode District.
(Cr.No.504 of 2018)

3. Senthilkumar

4. Selvaraj

... Respondents

Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C., to call for the entire records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.6785/2018/B2, dated 15.07.2019 and set aside the same.

For Petitioners : Mr.C.Prakasam

For Respondents : Mr.G.Ramar

Government Advocate
(for R1 & R2)

Mr.N.Manokaran (for R3 & R4)

O R D E R

The Inspector of Police, Chennimalai Police Station, apprehended breach of peace on account of dispute between two warring parties in respect of lands in Attavanaipidariyur Village and therefore, he registered an F.I.R. in Crime No.504 of 2018 on 29.12.2018 and referred the matter to the Executive Magistrate cum Revenue Divisional Officer for initiating proceedings under Section 145 Cr.P.C. The Executive Magistrate initiated the proceedings by sending notice to both the parties and after hearing both sides, he has passed an order dated 15.07.2019 in which he has granted patta to one party in detriment to the other. Challenging the said order dated 15.07.2019 passed by the Executive Magistrate cum Revenue Divisional Officer, the defeated party is before this Court to set aside the same.

2. Heard Mr.C.Prakasam, learned counsel for the petitioners, Mr.G.Ramar, learned Government Advocate appearing for the first and second respondents and Mr.N.Manokaran, learned counsel appearing for the third and fourth respondents.

3. On complete reading of the impugned order, though the proceedings were initiated under Section 145 Cr.P.C. on the report filed by the Inspector of Police, yet the proceedings ended up as a mere patta proceedings and no order has been passed by the Executive Magistrate, regarding that. There was breach of peace for directing one of the party to restore possession to the other. Infact in the last portion of the order, the Executive Magistrate has stated that the aggrieved party can file an appeal to the District Revenue Officer within thirty days.

4. Under such circumstances, the Criminal Revision Petition is misconceived and hence, the same is closed with liberty to the petitioners to workout their remedies in the manner known to law. The Registry is directed to return the original impugned order to the learned counsel for the petitioner, after keeping file of a certified copy of the same. One month time is granted from the date of receipt of a copy of this order to file an appeal before the District Revenue Officer. Connected criminal miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

sni

To

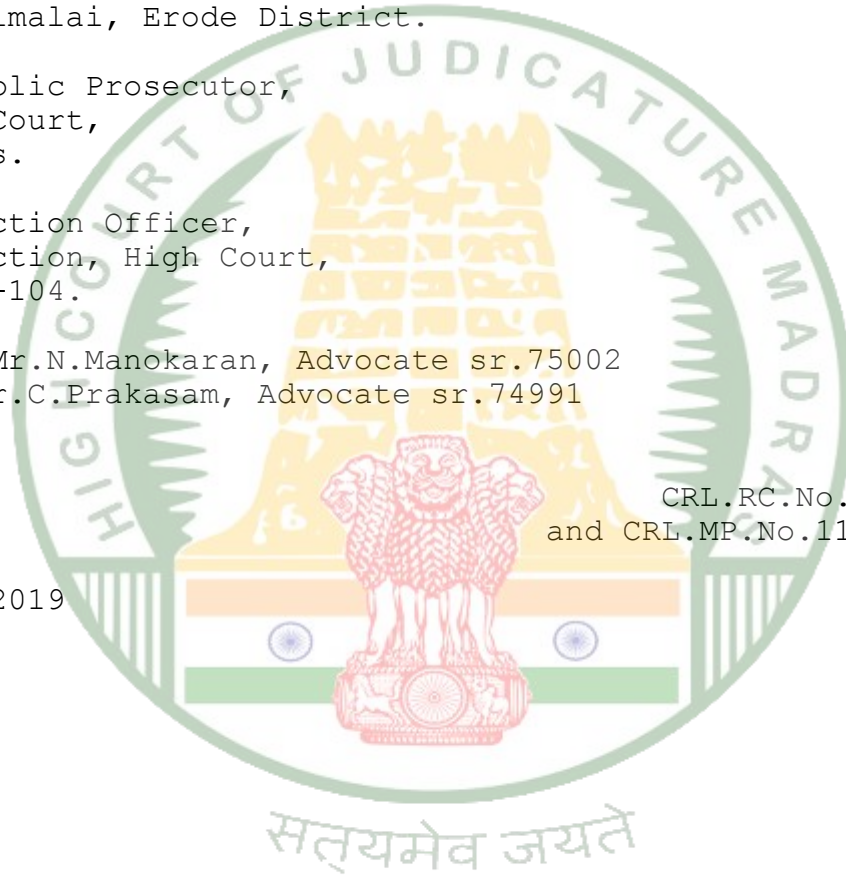
1. The Divisional Executive Magistrate/
Revenue Divisional Officer,
Erode, Erode District.
2. The Inspector of Police,
Chennimalai Police Station,
Chennimalai, Erode District.
3. The Public Prosecutor,
High Court,
Madras.
4. The Section Officer,
E.R Section, High Court,
Madras-104.

+lcc to Mr.N.Manokaran, Advocate sr.75002

+lcc to Mr.C.Prakasam, Advocate sr.74991

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nr 30/08/2019



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