



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.OP (MD) No.5346 of 2019

1.Ahamed Rasheed

2.Ahamed Ali

3.Mohammed Shabi

4.Ali Fathia @ Fathima

5.Sakkina Beevi

6.Beatric ... Petitioners/Accused 1- 6

Vs.

1.The Inspector of Police,
District Crime Branch Police Station/
Anti Land Grabbing Special Cell,
Nagercoil,
Represented by the Public Prosecutor,
Kanyakumari District,
Nagercoil.
[Crime No.7 of 2009)

...1st Respondent/Complainant

2.Fr.Lucian Thomas
Secretary,
Latin Catholic Fishermen Educational Society,
St.Judes College Campus,
Thoothoor, Kanyakumari District.

...2nd Respondent/Defacto
Complainant

PRAYER:- Petition filed under Section 439(i)(b) of Criminal Procedure Code to modify clause (1) of the order dated 20.03.2019 passed in Cr1.M.P.No.972 of 2019, on the file of the Principal Sessions Judge, Kanyakumari District at Nagercoil, by deleting the condition they will not make any further alienation with regard to the suit property.

For Petitioners : Mrs.P.Jessi Jeeva Priya

For Respondent : Mr.S.Chandrasekar

No.1 Additional Public Prosecutor,

For Respondent :Mr.M.R.Sreenivasan

No.2

**ORDER**

This criminal original petition has been filed seeking to modify clause (1) of the order dated 20.03.2019 passed in CrI.M.P.No.972 of 2019, by the Principal Sessions Judge, Kanyakumari District at Nagercoil, by deleting the condition they will not make any further alienation with regard to the suit property. Court.

2.The learned Counsel appearing for the petitioner submitted that the petitioners were arrayed as Accused 1 to 6 in Crime No.7 of 2017 on the file of the 1st respondent Police. The petitioners filed anticipatory bail petitioner before the Principal Sessions Judge, Kanyakumari @ Nagercoil in CrI.M.P.No.972 of 2019, wherein the Principal Sessions Judge, while granting anticipatory bail, directed the petitioners to file an undertaking before the Judicial Magistrate, Special Court for Anti Grabbing Cases stating that they will not make any further alienation with regard to the suit property. Aggrieved against such direction, the petitioners are before this Court with the above prayer.

3.Heard the learned Counsel on either side.

4.The learned Counsel for the petitioners submitted that the disputed property belongs to the petitioners and the learned Counsel appearing for the 2nd respondent submitted that the property belongs to the 2nd respondent.

5.Considering the submissions made on either side, this Court is of the view that unless the title is decided by a competent Civil Court, the petitioners are not entitled to get any relief as sought for in this petition.

6.In the result, the criminal original petition is disposed of. However, the petitioners are directed to complying with the direction issued by the trial Court, within a period of two weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

dsk

To

1.The Principal Sessions Judge, Kanyakumari.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The Judicial Magistrate,

Special Court for Antigrabbing, Tirunelveli.



3.The Inspector of Police,
District Crime Branch Police Station/
Anti Land Grabbing Special Cell,
Nagercoil.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

1 CC to M/s.P.JESSI JEEVA PRIYA, Advocate (SR-61269[F] dated
16/04/2019)

+1 CC to M/s.M.R.SREENIVASAN, Advocate (SR-61398[F] dated
16/04/2019)

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DS/ /SAR- (26.04.2019) 3P 7C