



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.09.2019

CORAM:

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

Crl.O.P (MD)No.18683 of 2014

and

M.P. (MD)No.1 of 2014

P.Velukonar

... Petitioner/Respondent

Vs.

The Revenue Divisional Officer  
cum Sub Divisional Magistrate,  
Tirunelveli,  
Tirunelveli District.

... Respondent/Petitioner

**PRAYER:** Petition filed under Section 482 Code of Criminal Procedure, to call for the impugned order passed under Section 133 of Cr.P.C. by the respondent in his proceedings in Na.Ka.A2/1442/2012, dated 29.09.2014 and quash the same.

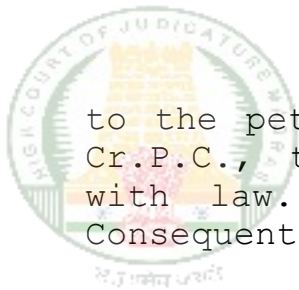
For Petitioner : Mr.G.Gomathi Sankar

For Respondent : Mr.A.Robinson  
Government Advocate (Crl.side)

**ORDER**

The petitioner challenges the order passed by the Revenue Divisional Officer cum Sub Divisional Magistrate, Tirunelveli.

2.It is seen that the notice was issued against the petitioner under Section 133 of Cr.P.C. It is true that when a person shows cause, the Magistrate must take evidence in the matter as in a summons case. But there is nothing on record to indicate the petitioner showed cause. Even his objection is not enclosed in the typed set of papers. It is seen that the show cause pertained only to survey Numbers 240/2b, 240/3 and 240/6. But in the impugned order, Survey No. 240/4 has also been included. Therefore, I am of the view that the issue has to be enquired afresh. In this view of the matter, the order impugned in this criminal original petition stands quashed and the matter is remanded to the file of the respondent. The respondent will issue a fresh notice and after giving due opportunity of hearing



to the petitioner and after following the procedure laid down in Cr.P.C., the respondent shall pass orders afresh in accordance with law. This criminal original petition stands allowed. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

RMI

To  
The Revenue Divisional Officer  
cum Sub Divisional Magistrate,  
Tirunelveli,  
Tirunelveli District.

COPY TO  
The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai

+1 CC to M/s.G.GOMATHI SANKAR, Advocate ( SR-87467[F] dated  
18/09/2019 )

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KM/ (04.10.2019) 2P 4C