



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 25.11.2019

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

CRL. R.C. (MD) NO.821 OF 2019
and Crl.M.P(MD) Nos.10265 and 9493 of 2019

1.Anbalagan
2.Padmini Pooviah
3.Shyam
3.A.Ganesan .. Petitioners/Respondents 1 to 4

- Vs -

1.The Sub Divisional Magistrate and
Revenue Divisional Officer,
Madurai .. First Respondent/Nil

2.The Assistant Commissioner of Police,
Thallakulam Police Station,
Madurai - 625 002.

3.The Inspector of Police,
Law and Order,
Thallakulam Police Station,
Madurai. ...Respondents 2 & 3/Respondents 5 & 6

4.A.T.P.Anna Labour Union,
Rep by its Secretary,
Soundirapandian

5.LPF Labour Union Party,
Rep. by its Secretary,
T.V.Duraipandi

6.PMS Bharathiya Janatha Mazadoor Sabha,
Rep. by its Secretary,
Gurusamy,
S/o Jeganatha Thevar,
Leela Compound,
Perumal Thevar Nagar,
Balarenganathapuram,
Madurai 625 003.

7.INTUC India National Trade Union,
Rep. by its Representative,
Guruvammal



8.INTUC India National Trade Union,
Rep. by its Vice President,
Pooranam

9.TUCC Labour Union,
Rep. by its Secretary,
K.Raju

...Respondents 4 to 9/
Petitioners 1 to 6

10.L.Alagusundaram

11.A.L.Lakshmanan

...Respondents 10 & 11/
Respondents 7 & 8

PRAYER: Criminal Revision Case filed u/s 397 & 401 of the Code of Criminal Procedure, to call for the records in pursuant to the proceedings in K.Dis.No.5530/2015 M, dated 30.09.2019 on the file of the first respondent herein and set aside the same.

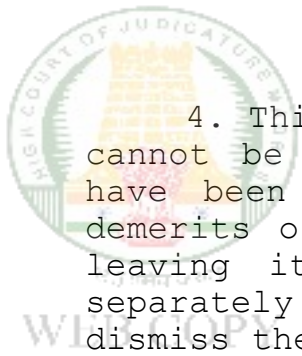
For Petitioner	: Mr.A.G.Senthilkumar
For R1 to R3	: Ms.M.Anantha Devi
	Government Advocate (Crl.side)
For R8 & R9	: Mr.A.V.S.Alaguraja
For R10	: Mr.K.Hemakarthiskeyan
	for Mr.M.Elzachelian

O R D E R

This revision has been filed to set aside the proceedings in K.Dis.No.5530/2015 M, dated 30.09.2019 on the file of the first respondent herein.

2. In response to the notice, the third respondent has filed a status report on 25.11.2019. In the status report, it is stated that on 18.11.2019 the Inspector of Police, D-1, Tallakulam L & OPS, Madurai City has received a letter from the petitioners/accused, seeking adequate police protection for removing encroachments, which is the subject matter in the present revision petition. It is also mentioned in the status report that encroachments have been removed and the key was handed over to the Revenue Division Officer, Madurai - the first respondent herein. The said status report is taken on file.

3. The learned counsel appearing for the respondents 8 and 9 would submit that the sale of property was illegal and the District Secretary of Anna Trade Union, Madurai Rural is the necessary party to this revision, since he is one of the petitioners in the impugned order passed by the first respondent and his name was omitted to be mentioned in the impugned order and therefore, impleading petition has been filed and he prays that the said petition may be ordered.



4. This Court finds that the grievance expressed by the parties cannot be adjudicated in this revision and already encroachments have been removed. Therefore, without going into the merits or demerits of the case as against the ownership of the property and leaving it open to the parties to adjudicate their grievances separately in the manner known to law, this Court is inclined to dismiss the revision.

5. In the result, this revision petition is dismissed. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar(CS)

CM

To

1.The Sub Divisional Magistrate and
Revenue Divisional Officer,Madurai

2.The Assistant Commissioner of Police,
Thallakulam Police Station,
Madurai - 625 002.

3.The Inspector of Police,Law and Order,
Thallakulam Police Station,
Madurai.

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

+1 CC to Mr.K. HEMAKARTHIKEYAN, Advocate (SR-101372[F] dated 26/11/2019)

+1 CC to Mr.A.G. SENTHILKUMAR, Advocate (SR-101644[F] dated 27/11/2019)

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KM/ (11.12.2019) 3P 7C