

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.31788 of 2014

1.Mugundhan
2.Navendhiran

... Petitioners/Accused 1 & 2

Vs.

P.Ramalingam

... Respondent/Defacto Complainant

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records pertaining to S.T.C.No.1219 of 2014 as against the petitioners herein, pending on the file of the Judicial Magistrate, Jayankondam and quash the same.

For Petitioners : Mr.V.Balamurugane

For Respondent : No Appearance

O R D E R

This criminal original petition has been filed seeking to call for the records pertaining to S.T.C.No.1219 of 2014 as against the petitioners herein, pending on the file of the learned Judicial Magistrate, Jayankondam and to quash the same.

2.The first petitioner is the Thasildar of Udayarpalayam Taluk, Jayankondam and the second petitioner is the Commissioner of Municipalities, Jayankondam and they are the accused 1 and 2 in S.T.C.No.1219 of 2014.

3.The respondent is the defacto complainant and he filed a complaint before the learned Judicial Magistrate, Jayankondam, alleging that the petitioners along with the other accused and JCP vehicle bearing registration no.TN 61 A1512 came to the house of the defacto complainant and demolished the shops in the

front side of his house, even after perusing the order of permanent injunction dated 27.12.2002 made in O.S.No.6 of 2001 by the District Munisif Court, Jayankondam and without issuing any notice. Challenging the same, the petitioners have filed this petition.

4.The learned counsel appearing for the petitioners would submit that the respondent has obtained ex-parte permanent injunction from the District Munisif Court, Jayankondam, vide order dated 27.12.2002 made in O.S.No.6 of 2001 only in respect of the land in S.No.205/32, however, he encroached the adjacent land in S.No.205/31 which is a Government poromboke land and went to the extent of constructing shop in it and letting it for rent.

5.The learned counsel appearing for the petitioners would further submit that being the Government servants, it is the duty caste upon the petitioners to see that no encroachment is made in the Government poromboke lands. Hence, notice under Section 7 of the Chennai Act III of 1905 was issued to the respondent. Thereafter the eviction process started and during the eviction process, the respondent abused the petitioners and other Revenue Officials using filthy language, thereby, the Revenue Officials lodged a complaint as against the respondent and the same was registered as Cr.No.267 of 2014 by the Jeyankondam Police Station for the offence under Sections 341, 294(b), 352, 353, 506(i) of IPC on 24.07.2014. Inorder to wreck vengeance and as a counter blast to the said case, the respondent has filed the complaint in S.T.C.No.1219 of 2014, which is un-sustainable one. Accordingly, he prayed for allowing the criminal original petition.

6.No one represented on behalf of the respondent. Considering the pendancy of the case, I am intended to proceed with the case based on the records. Perused the materials available on record.

7.Perusal of complaint discloses that the petitioners along with the other accused and JCP vehicle bearing registration no.TN 61 A1512 went to the house of the respondent/ defacto complainant and demolished the shops in the front side of his house, even after perusing the order of permanent injunction dated 27.12.2002 made in O.S.No.6 of 2001 by the District Munisif Court, Jayankondam and without issuing any notice.

8.Perusal of records reveal that the respondent has obtained ex-parte permanent injunction from the District Munisif Court, Jayankondam, vide order dated 27.12.2002 made in O.S.No.6 of 2001 only in respect of the land in S.No.205/32, however, the demolished shops were in S.No.205/31 which is a Government

poromboke land. Being the Government servants, it is the duty caste upon the petitioners and other Revenue Officials to see to that no encroachment is made on the Government poromboke lands.

9.Perusal of records further reveal that notice under Section 7 of the Chennai Act III of 1905 was issued to the respondent. Thereafter the eviction process started and during the eviction process, the respondent abused the petitioners and other Revenue Officials using filthy language, thereby, the Revenue Officials lodged a complaint as against the respondent and the same was registered as Cr.No.267 of 2014 by the Jeyankondam Police Station for the offence under Sections 341, 294(b), 352, 353, 506(i) of IPC on 24.07.2014. Thereafter, the respondent has filed the complaint in S.T.C.No.1219 of 2014, which is un-sustainable one. Hence, I have no hesitation to allow this criminal original petition.

10.This criminal original petition is accordingly allowed and the proceedings in S.T.C.No.1219 of 2014 pending on the file of the learned Judicial Magistrate, Jayankondam, is hereby quashed insofar as the petitioners are concerned. Consequently, connected miscellaneous petitions, if any, are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

The Judicial Magistrate,
Jayankondam.

+1cc to M/s.V.Balamurugane, Advocate Sr.17132

Cr1.O.P.No.31788 of 2014

WEB COPY

sj[col
srg 04/08/2020