

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

CrI.R.C.No.1302 of 2019
& CrI.M.P.No.17592 of 2019

M.Murugan

.. Petitioner

Vs

1. The District Revenue Officer,
Dharmapuri District

2. The Sub-Divisional Executive Magistrate /
The Revenue Divisional Officer,
Harur, Dharmapuri.

3. The Inspector of Police,
Morappur Police Station,
Dharmapuri District

4. P.Govindasamy

... Respondents

Prayer:- This Petition is filed under section 397 read with 401 of Cr.P.C. to call for the records pertaining to Na.Ka.No.1030/2019/A3, dated 27.08.2019 on the file of the second respondent and to set aside the same, by allowing this Criminal Revision Case.

For Petitioner : Mr. J.Pradeep

For R-1 to R-3 : Mr. K.Prabakar, APP

O R D E R

This Criminal Revision Case has been filed by the petitioner seeking to set aside the impugned order passed by the second respondent in Na.Ka.No.1030/2019/A3, dated 27.08.2019, wherein the authority has held that the petitioner is obstructing the pathway.

2. The claim of the petitioner is that the land in Survey No.5/1A of Harur Revenue Divisional, Papireddypatti Circle, Thenkaraikottai Sub-Circle, Thinnahalli Village, Dharmapuri District, is a patta land and patta, chitta, adangal and all revenue records stand in the name of the petitioner and there had been no pathway from the time immemorial. His further claim is that the impugned survey number is never classified as a pathway or track, whereas it is his ancestral property for more than eighty years.

3. However, the learned counsel for the petitioner submitted that on 23.09.2019, a Review, questioning the order dated 27.08.2019, passed by the second respondent in Na.Ka.No.1030/2019/A3, had already been filed and the same is said to have been pending before the Revisional Authorities.

4. In view of the said submission, without going into the merits or otherwise of the matter, this Court hereby directs the petitioner to agitate the issue before the Revisional Authorities (respondents 1), who shall dispose of the review petition, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order, after providing due opportunity of hearing to the petitioner as well as the interested parties, if not already disposed of.

5. With the above directions, this Criminal Revision Case is disposed of. Consequently, the connected CrI.MP is closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

srk

To

1. The District Revenue Officer,
Dharmapuri District
2. The Sub-Divisional Executive Magistrate /
The Revenue Divisional Officer,
Harur, Dharmapuri
3. The Inspector of Police,
Morappur Police Station,
Dharmapuri District
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J.Pradeep, Advocate, S.R.No.9651

CrI.R.C.No.1302 of 2019 &
CrI.M.P.No.17592 of 2019

MR (CO)
GN (03/03/2020)