



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated : **14.08.2020**

PRESENT

WEB COPY

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CRL.O.P.(MD)No.16150 of 2016
and Crl.M.P.(MD)No.7838 of 2016

H.Antony,
S/o.Harris,
The Trustee,
Our Lady of Assumption,
Malankarai Catholic Church,
Mariakiri,Kanyakumari District.

: Petitioner

Vs.

- 1.The Sub Divisional Magistrate and
Sub Collector, Padmanahpapuram,
Kanyakumari District.
- 2.The Deputy Superintendent of Police,
Padmanahpapuram, Kanyakumari District.
- 3.The Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.
- 4.Mr.Rajkumar,
Office of the Sub Divisional Magistrate and
Sub Collector in-charge,
Thuckkalay, Kanyakumari District.
- 5.Mr.Marisamy,
The Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.

6.Nadarajan

[R-6 impleaded as per the order of this
Court dated 20.02.2020, in
Crl.M.P.(MD)No.8364 of 2016]

: Respondents

PRAYER :- Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records on the files of the first respondent pertaining to its order in Roc.No.A2/2752/2016, dated 26.08.2016 and to quash the same.



For Petitioner : Mr.S.C.Herold Singh
For Respondents 1to5: Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)
For Respondent No.6:Mr.S.Ravi

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ORDER

The present petition has been filed challenging the order passed by the first respondent/Sub-Divisional Magistrate and Sub-Collector, Padmanahpapuram, Kanyakumari District, vide proceedings in Roc.No.A2/2752/2016, dated 26.08.2016.

2. Mr.S.C.Herold Singh, learned counsel for the petitioner submitted that the order has been passed under Section 133 of the Code of Criminal Procedure prohibiting the petitioner to conduct the prayer hall in Kulappuram Revenue Village in Vilavancode Taluk.

3. From the perusal of the order impugned in the present petition, it could be seen that the order has been passed on the ground that the petitioner, without obtaining necessary permission from the District Collector under Rule 4 of the Tamil Nadu Panchayats Building Rules, 1997, is running the prayer hall. Hence, the first respondent directed the Taluk Executive Magistrate/Tahsildar, Vilavancode and the Block Development Officer, Munchirai, to initiate proceedings to seal the premises under the relevant provisions of Tamil Nadu Panchayats Building Rules, 1997. A perusal of the order would go to show that even though the order resembles as an order of prohibition, in my opinion, the order is not passed under Section 133 of the Code of Criminal Procedure, but only under the relevant provisions of the Tamil Nadu Panchayats Building Rules, 1997. Thus, the petitioner cannot maintain the present petition to challenge the order.

4. At this juncture, the learned counsel for the petitioner seeks permission of this Court to withdraw this Criminal Original Petition. Permission is granted. Accordingly, this Criminal Original Petition is dismissed as withdrawn, however, with liberty to the petitioner to challenge the same in the manner known to law. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Sub Divisional Magistrate and
Sub Collector,
Padmanahpapuram,
Kanyakumari District.
- 2.The Deputy Superintendent of Police,
Padmanahpapuram,
Kanyakumari District.
- 3.The Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CRL.O.P. (MD) No.16150 of 2016
Dated : **14.08.2020**

SML

MS/26.08.2020/3P.5C