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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.7958 of 2018 and
W.M.P.No.9912 of 2018

1.Palani
2.Senkathir
3.Vallarasu

.. Petitioners

Vs.

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Dharmapuri.
3. The Tahsildar,
Palacode, Palacode Taluk,
Dharmapuri District.
4. The Superintendent of Police,
Dharmapuri District, Dharmapuri.
5. The Inspector of Police,
Marandahalli Police Station,
Dharmapuri District.

6. Madhappan

.. Respondents

Prayer: Writ Petition filed under Section 226 of the Constitution of India praying for writ of Certiorarified Mandamus to call for the records relating to the proceedings of the second respondent in his proceedings No.Em.C./29/2017/A2 dated 15.02.2018 and quash the same in respect of petitioners and consequently direct the official respondents not to compel the petitioners with regard to cart track comprised in S.No.92/1B8 of Kanavelahalli Village, Dharmapuri District in favour of the sixth respondent.



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For Petitioners : Mr.D.Rameshkumar
For RR1 to 5 : Mr.A.Gopinath
Government Advocate (Crl.Side)
For R6 : Mr.R.Selvakumar

O R D E R

This Writ Petition has been filed seeking for writ of Certiorarified Mandamus to call for the records relating to the proceedings in No.Em.C./29/2017/A2 dated 15.02.2018 and quash the same and consequently direct the official respondents not to disturb the petitioners with regard to cart track comprised in S.No.92/1B8 of Kanavelahalli Village, Dharmapuri District.

2. The learned counsel appearing for the petitioners submitted that there is a pathway / cart track dispute in between the petitioners and one Madhappan / 6th respondent. When the suit is pending with regard to the said issue, the 6th respondent made complaint before the law enforcing agency in Cr.No.16 of 2017 under Section 107 Cr.P.C on 30.01.2017. Since there was a law and order problem in that area regarding the said pathway dispute, the Revenue Divisional Officer, Dharmapuri, has issued a notice for appearance of the parties on 15.02.2018. Challenging the same, the present petition is filed.

3. The learned counsel appearing for the petitioners submitted that during the pendency of the Writ Petition, the petitioners appeared before the Revenue Divisional Officer and produced all documents of title to the property and other materials before the said official and further submitted that when the Suit is pending before the competent civil forum, the same cannot be decided by the Revenue Divisional Officer and prays for appropriate orders.

4. The learned Government Advocate (Crl.Side) appearing for the State submitted that in the civil dispute, the Revenue Divisional Officer will not interfere with the petitioner's rights. However if there is a law and order problem and that the dispute is likely to cause a breach of peace, purely in order to maintain peacefulness in that locality, the said official has inherent powers to issue direction accordingly and thereby issued notice under Section 145 Cr.P.C. and therefore, there is no malafide on the part of the Revenue Divisional Officer in issuing proceedings for appearance of the parties and hence prays for dismissal of this petition.



5. It is not in dispute that there is a property dispute between the petitioners and the 6th respondent and pursuant to the complaint of the 6th respondent, the impugned order came to be issued by the Revenue Divisional Officer. Be that as it may, admittedly the petitioners claims that they appeared and submitted all the documents before the said official, however, no order is passed as on date. It is not in dispute that the issues to be solved between the parties are civil in nature. Such being the position, this Court is not inclined to issue any particular direction, as civil suit is pending before the appropriate civil forum for adjudication. However, the said civil suit will not in any way be a bar for the officials to initiate appropriate proceedings/take action whenever there is a likelihood of a law and order situation.

6. For the reasons aforesaid, this Writ Petition is disposed of with a direction to the 2nd respondent to pass orders on the complaint taking into consideration the law and order situation and the materials submitted before him as expeditiously as possible. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CJ CONF)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Dharmapuri District, Dharmapuri.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Dharmapuri.
- 3.The Tahsildar,
Palacode, Palacode Taluk,
Dharmapuri District.
- 4.The Superintendent of Police,
Dharmapuri District, Dharmapuri.



5.The Inspector of Police,
Marandahalli Police Station,
Dharmapuri District.

+1cc to Mr.R.Selvakumar, Advocate Sr No.35638

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W.P.No.7958 of 2018

JPL (CO)
PR (25/08/2021)