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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.08.2021

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.R.C.No.502 of 2019 and
CrI.M.P.No.6920 of 2019

Rajeswari Deepak

...Petitioner/Opposit party

-Vs-

1. The Sub Divisional Magistrate cum
Revenue Divisional Officer,
Chengalpet.
2. The Tahsildar, Thiruporur, Chengalpaet District.
3. The Deputy Superintendent of Police,
Mahabalipuram, Kancheepuram District.
4. The Inspector of Police,
E-8, Kelambakkam Police Station,
Kelambakkam.
5. The Village Administrative Officer,
Thaiyur - A Village, Thiruporur Taluk,
Kancheepuram District.

6. R.Govindasamy

...Respondents/Complainant

Criminal Revision Case filed under Sections 397 read with Section 401 of Cr.P.C. to set aside the order passed by the 1st respondent dated 02.05.2019 in Na.Ka.No.4688/2018/A by allowing this criminal revision petition.



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For Petitioner : Mr.R.Marudhachala Murthy

Respondents : Mr.S.Sugendran,
Govt. Advocate (Cr1.Side) for RR1 to 5

Mr.V.Chandrakanthan for R6

O R D E R

It is the case of the petitioner that he is the owner of the properties in dispute and she has also produced all the relevant documents showing that she is the owner of the properties in dispute. The first respondent without considering the same and exceeding his power, has wrongly passed the impugned order deciding the title, without even any authority.

2 The learned counsel appearing for 6th respondent submitted that he is the absolute owner of the properties in dispute and the petitioner by impersonation has fraudulently created some documents and claimed right over the properties. The first respondent after verifying the records with the Village Administrative Officer and considering all the relevant records and after hearing the respective parties has passed the present order.

3 Heard the learned counsel appearing on either side and perused the materials available on record.

4 Admittedly, the dispute between the parties is a civil in nature and it is seen that both the parties are claiming title over the disputed properties. The first respondent without applying his mind and without understanding the scope of Section 145 of Cr.P.C. has passed the impugned order cancelling the patta, which is in the name of the petitioner.

5 It is well settled proposition of law that when a civil dispute is pending before the Civil Court, the Revenue Divisional Officer has no jurisdiction to initiate proceedings under Section 145 Cr.P.C, even if, he has already proceeded. In this case, the parties have to approach Civil Court to resolve their dispute over the properties.



6 This Court finds that the first respondent without applying mind by exceeding power, passed the order and hence, the proceeding in Na.Ka.No.4688/2018/A dated 02.05.2019 is liable to be set aside and accordingly the same is set aside. Further, the parties are directed to approach Civil Court to resolve their dispute over the properties. In fine, the Criminal Revision Case is disposed of accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-V)

// True Copy //

Sub Assistant Registrar

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To

1. The The Sub Divisional Magistrate cum
Revenue Divisional Officer, Chengalpet.
2. The Tahsildar, Thiruporur, Chengalpaet District.
3. The Deputy Superintendent of Police, Mahabalipuram,
Kancheepuram District.
4. The Inspector of Police, E-8, Kelambakkam Police Station,
Kelambakkam.
5. The Village Administrative Officer, Thaiyur - A Village,
Thiruporur Taluk, Kancheepuram District.
6. The Inspector of Police, District Crime Branch, Kancheepuram.
7. The Public Prosecutor, High Court of Madras.

+1CC to Mr.V.Chandrakanthan, Advocate, SR.No. 43220

+1CC to M/s.R.Marudhachalamurthy, Advocate, SR.No. 43200

Cr1.R.C.No.502 of 2019 and
Cr1.M.P.No.6920 of 2019

SRA(CO)

B.VC (26/10/2021)