



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRL.R.C.No.537 of 2021

&

Crl.M.P.No.8879 of 2021

1. Balasubramaniam
S/o, Velappa Gounder

2. Santhosh,
S/o, Ramamoorthy

... Petitioners

Versus

1. Rathinam
W/o, Sengottaiyan

2. Sengottaiyan
S/o, Ayyavu @ Palanivel

3. State rep. By
The Inspector of Police,
Belukurichi Police Station,
Belukurichi,
Namakkal District.

... Respondents

PRAYER: Criminal Revision Petition filed under Section 397(1) and 401 of the Code of Criminal Procedure, to set aside the order dated 04.08.2021 passed by the Executive Magistrate-cum-Revenue Divisional Officer, Namakkal in M.C.No.12 of 2020 U/S145/M1.

For Petitioners : Mr.L.Mouli

For R3 : Mr.M.Sugendran
Government Advocate,
(Criminal Side)



ORDER

This Criminal Revision Petition has been filed to set aside the order dated 04.08.2021 passed by the Executive Magistrate-cum-Revenue Divisional Officer, Namakkal in M.C.No.12 of 2020 U/S145/M1.

2. Since there is a dispute between the petitioners/ 'B' parties and R1 and R2 / 'A' parties regarding using the pathway, the third respondent police referred the matter before the Executive Magistrate, Namakkal. The Executive Magistrate after considering the facts and found that it is the land in the pathway alleged to have used by the public in the Government land and passed the impugned order. Challenging the said order, the 'B' parties filed the present Revision Petition before this Court.

3. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the third respondent and perused the records.

4. The right of using the pathway can be decided only by Civil Court. However, the Executive Magistrate has got every power to pass any order to control the law and order situation in the location. The Impugned order is only an interim order. Already both the parties approached the Executive Magistrate and putforth their claim, therefore, the Executive Magistrate shall pass the final order also.

5. Under these circumstances, this Court finds that this Revision itself is not maintainable, since the impugned order is only an interim order and no Revision would lie against the interim order. Accordingly, the Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is also closed. The parties are at liberty to approach the Executive Magistrate and extend their co-operation for passing final order.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mfa



To

1. The Executive Magistrate-cum-Revenue Divisional Officer,
Namakkal.
2. The Inspector of Police,
Belukurichi Police Station,
Belukurichi,
Namakkal District.
3. The Public Prosecutor,
High Court,
Madras.

Copy to:

The Section Officer,
Criminal Section,
High Court, Madras.

+1cc to M/s.L.Mouli, Advocate, S.R.No.51185

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GP(CO)
SU(27/10/2021)