



3. No one appeared on behalf of the petitioner.

4. On an earlier occasion, particularly by order dated 26.10.2021, this Court has directed the Commissioner, H.R & C.E to explain whether the petitioner is entitled to file revision petition. In response their to, the Commissioner, H.R & C.E Department has filed an affidavit wherein, para 5, it has been stated that since there is no appeal remedy as provided against Section 78 of the Act, the aggrieved person has to resort to Section 21 of the Act by way of revision to the Commissioner and the Commissioner by exercising his discretion under sub-section (7) of Section 21 of the Act may entertain the revision. The Commissioner stated that the petitioner has not filed any revision petition before the said authorities.

5. The learned Government Advocate (Crl.Side) submitted that the petitioner along with other accused, encroached the temple land up to 22,500 Sq.ft., and when the Executive officer of the temple, along with other officers, approached the petitioner to vacate the premises, the petitioner wantonly restrained the defacto complainant and other officials from discharging their official duty and poured kerosene on himself, in order to avoid the lock and seal procedures of the authorities. Further, eviction notice was also issued to the petitioner to vacate the premises. He further submitted that the petitioner had not filed any revision petition and admittedly refused to vacate the premises belonging to the Temple. Hence, he strongly opposed the grant of anticipatory bail to the petitioner.

6. It appears that the petitioner is an encroacher and the concerned Commissioner had taken steps to evict the petitioner from the commercial premises which belongs to the temple and the petitioner has refused to vacate the same.

7. Considering the facts and circumstances of the case and also the fact that there is an specific overtact attributed against this petitioner, this Court is not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

02/11/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



TO

1 THE COMMISSIONER,
H.R & C.E.DEPARTMENT,
CHENNAI-34

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
K-10, KOYAMBEDU POLICE STATION,
CHENNAI.

+1 CC to M/S.A.RAJESH KANNA Advocate on payment of necessary
charges SR.NO.12379

CRL OP.18950/2021

Date :02/11/2021

JPA 18/11/2021