



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2021

CORAM:

THE HON'BLE Ms.JUSTICE R.N.MANJULA

Crl.R.C.No.276 of 2017

and

Crl.MP.No.2778 of 2017

1.Veeraragava Perumal
S/o.Subbaiah

2.A.T.Raja
S/o.Thiyagarajan

3.S.Ubendra Babu
S/o.Sardar singh

... Petitioners

Vs.

1.The Sub Divisional Magistrate cum
Revenue Divisional Officer,
Tiruvannamalai Division,
Tiruvannamalai.

2.The Inspector of Police,
Tiruvannamalai Town Police Station,
Tiruvannamalai Town,
Tiruvannamalai.

3. Balraj

4.Dhanalakshmi
Respondents 3 & 4 are residing at
No.635/1, 5th street,
Idukku Pillayar Kovil Street,
Vengigal, Tiruvannamalai District.

5. Balamurugan

... Respondents

Criminal Revision filed under Sections 397 and 401
Cr.P.C praying to call for the records of the first respondent
in his proceedings No.A/5416/2016 dated 18.01.2017 and set
aside the same.

For Petitioners : Mr.J.C.Durairaj
for M/s.B.Jawahar

For Respondents : Mr.A.Gopinath
Govt. Advocate (Crl.Side) for R1 & R2
Mr.M.Sridhar for R3
No appearance for R4 & R5



O R D E R

This Criminal Revision Case has been preferred challenging the proceedings of the Sub-Divisional Magistrate-cum-Revenue Divisional Officer, Tiruvannamalai dated 18.01.2007.

2. The revision petitioner before this Court is 'A' party. The facts, which led to the proceedings passed under Section 145 Cr.P.C are as under:-

Ubendra Babu No.3 'A' party is the owner of the premises at Door No.78, 79, Car Street, Tiruvannamalai, where the hotel business by name Abirami Hotel was conducted by No.1 of the 'A' party along with No.1 of 'B' party; the tenancy agreement was entered into between the owner of the premises Ubendra Babu and Veeraragava Perumal and Balraj on 29.01.2016 and they were conducting the business with an understanding that they are partners of Sri Abirami Hotel business; after sometime, Balraj became indebted to several persons and the parties were not even pay rent to the hotel premises; subsequently, the No.1 of 'A' party had entered into a fresh lease agreement with the owner of the premises (Ubendra Babu) on 29.01.2016. This was challenged by No.1 of 'B' party Balraj. Because of that frequent quarrels between the parties. Since the law and order was affected because of the frequent quarrels in the public place, the intervention of the Divisional Magistrate was needed. Both the parties have also given criminal complaint against each other. Hence, a case in Crime No.408 of 2016 on the file of Tiruvannamalai Police station under Section 145 Cr.P.C was registered.

3. After completing the enquiry and conducting the inspection of the premises, the Revenue Divisional Officer has passed an order to keep the premises under lock and seal until the disputes between them get settled before the jurisdictional Courts. Aggrieved over that, the No.1 of 'A' party has preferred the present revision.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. side) for the respondents 1 and 2 and perused the entire materials available on record.

5. It is reliably learnt that the 'B' party has filed a civil suit against 'A' party and the suits are pending before the District Munsif Court, Tiruvannamalai in O.S.No.121 of 2016. However, it is submitted by the learned counsel for the revision petitioner that the suit was dismissed for default since the plaintiff in the said suit did not prosecute the same. The learned counsel for the respondent submitted that a petition has been filed to restore the said suit.



6. Whatever may be the case, the parties are left open to work out their remedy before the Civil Court, where they have already filed the suit. The order of the Executive Magistrate in ordering the property to be kept under lock and seal for an indefinite period has to be brought to an end. If the respondents 3 to 5 are really aggrieved, they should have been diligent enough to conduct the suit filed by them without letting it to be dismissed for default.

7. On instructions, the learned Government Advocate (Crl.side) submitted that as of now, there is no loss of peace and harmony is restored and being maintained.

8. Under such circumstances, I do not find any reason the order passed by Sub-Divisional Magistrate-cum-Revenue Divisional Officer, Tiruvannamalai should be in force any further.

9. In the result, this Criminal Revision case is allowed and the order of the Sub-Divisional Magistrate-cum-Revenue Divisional Officer, Tiruvannamalai dated 18.01.2017 is hereby set aside.

Sd/-

Assistant Registrar(CS-VII)

//True copy//

Sub Assistant Registrar

kmi
To

- 1.The Sub Divisional Magistrate cum
Revenue Divisional Officer,
Tiruvannamalai Division,
Tiruvannamalai.
- 2.The Inspector of Police,
Tiruvannamalai Town Police Station,
Tiruvannamalai Town,
Tiruvannamalai.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai-600 104.

Copy To
The Section Officer,
Criminal Section,
High Court, Madras-104.

+1cc to Mr.M.Sridhar, Advocate SR.No.65386

Crl.R.C.No.276 of 2017

SSV(CO)

<https://hcservices.courts.gov.in/hcservices/>
GM (24/01/2022)