



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.04.2020

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.O.P.(MD)No.2057 of 2021

K.Seenivasan

... Petitioner

Vs.

1.The Sub Collector,
Office of Sub-Collector,
Periyakulam,
Theni District.

2.K.Bhaskaran

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, directing the first respondent to complete the proceedings of the petition dated 15.06.2020 filed under Section 145 Cr.P.C within the period as stipulated by this Court.

For Petitioner : M/s.A.Haja Mohideen.

For R1 : Mr.R.Srinivasan

Government Advocate (Crl.Side)

For R2 : Mr.J.Barathan

O R D E R

The petition has been filed to direct the first respondent to complete the proceedings of the petition dated 15.06.2020.

2. The second respondent and the petitioner are brothers. The properties in S.Nos.792 and 793/1 to an extent of 4 acres 60 cents in E.Pudhukootai Village belongs to the petitioner and his brother and the properties in S.Nos.358/4 and 359 to an extent of 4 acres 10 cents belongs to their mother. After the death of their mother, in a family arrangement, all others siblings received money in respect of their shares and the properties were allotted jointly to the petitioner and the second respondent. Similarly, the property in S.No.359 to an extent of 40 cents and S.No.358/4 to an extent of 13.5 cents, which belongs to their father also jointly enjoyed by the petitioner and the second respondent.

3. Later, the second respondent approached the petitioner for sale of his right of half shares in the property in lieu of cash amount. It was reached as Rs.6,00,000/-. He received Rs.1,00,000/- as advance and an agreement was also executed and the balance amount of Rs.5,00,000/- to be paid. Later, the second respondent has filed a suit in O.S.No.36 of 2010 against the petitioner. In which, the petitioner deposited the balance sale consideration of Rs.5,00,000/-. But, the suit was dismissed. Against which, an appeal in A.S.No.3 of 2018 was filed. That was also dismissed. Now, the



petitioner taking steps to file a Second Appeal.

4. Because of the dispute between the petitioner and the second respondent, criminal cases were also filed against each other. So, the petitioner gave a complaint to the Police on 06.12.2006, 26.03.2007 and to the Superintendent of Police on 08.03.2010. In spite of that trouble continued. The second respondent prevented the petitioner and his family members to use the common well and the electricity services connection. So, the petitioner sent a petition to the first respondent on 15.06.2020 under Section 145 Cr.P.C against the second respondent. Based upon the petition, the Village Administrative Officer has conducted enquiry and submitted a report on 25.07.2020. The Revenue Inspector has also submitted his report on 14.08.2020. But, that there was no action.

5. So, this petition is filed seeking a direction to the first respondent to complete the enquiry within a time prescribed by this Court by considering the representation, dated 15.06.2020.

6. Heard both sides.

7. It is seen that because of a land dispute between the petitioner and the second respondent a suit in O.S.No.36 of 2010 was filed by the second respondent against the petitioner. That was decreed against the petitioner and an appeal was filed by the petitioner became to be dismissed. Now, according to the petitioner, he is taking steps to file Second Appeal since the competent Civil Court has taken a decision in favour of the second respondent. The contention on the part of the petitioner is that the second respondent disturbed the enjoyment of the common well and the electricity connection. So, the petitioner sent a petition filed, under Section 145 Cr.P.C to the first respondent, dated 15.06.2020.

8. When a petition is presented, the first respondent is to consider the same and pass orders on merits by keeping in mind the judgments passed by the competent Civil Court. So, the first respondent is directed to consider the petition given by the petitioner, dated 15.06.2020, and pass orders on merits within a month from the date of receipt of a copy of this order.

9. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



dss

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Sub Collector,
Office of Sub-Collector,
Periyakulam,
Theni District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-15804[F] dated 15/04/2021)

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