



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE **G. ILANGO VAN, J.**

Crl.O.P.(MD)No.4775 of 2020 and
Crl.MP(MD) Nos.2730, 2732 & 4037 of 2020

1.G.Gnanaguru

2.G.Selvam

... Petitioners/Respondents
1 & 2

Vs.

1. G.Gurusamy

2.The Sub Divisional Magistrate cum
Revenue Divisional Officer,
Revenue Divisional Office,
Sattur Division,
Virudhunagar District.

...Respondents

(R2 is impleaded as per order of this Court dated 11.09.2020 in Crl.MP(MD) No.4500 of 2020 in Crl.O.P(MD) No.4775 of 2020 by RPAJ)

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in connection with the proceedings initiated by the Sub Divisional Magistrate cum Revenue Divisional Officer, Sattur, Virudhunagar District in Na.Ka.No.A1/4028/2019 dated 11.02.2020 and to quash the same.

For Petitioner : Mr.T.J.Ebenezer Charles
For R2 : Mr.R.M.Anbunithi
Additional Public Prosecutor.
(Crl.side)

ORDER

This petition has been filed to quash the proceedings initiated by the Sub Divisional Magistrate cum Revenue Divisional Officer, Sattur, Virudhunagar District in Na.Ka.No.A1/4028/2019 dated 11.02.2020.

2. The petitioners are blind and the sons of the first respondent herein. There is a property dispute among them. The grievance of the petitioners is that the Enquiry Officer without properly appreciating and understanding the direction issued by this Court in W.P.(MD) No.26054 of 2019 has mechanically issued summons to the petitioners alone and hence it is liable to be quashed. The relevant paragraph in the above order is extracted as under:-

"5.In view of the fact that the mutual allegation of both the parties are involving the facts, this Court directs



the first respondent to consider the representation of the petitioner, dated 06.11.2019, on merits and in accordance with law, after issuing notice to all the parties concerned including the other family members of the petitioner, within a period of four weeks from the date of receipt of a copy of this order."

3.The learned counsel for the petitioner would submit that though there is a specific direction to the enquiry officer to summon all the persons including the family members of the petitioners, summons has been issued only to the petitioners. Hence, he seeks a direction to be issued to the enquiry officer to conduct proper enquiry by summoning all the persons concerned.

4.The learned counsel for the second respondent is also in agreement with the direction to be passed by this Court.

5.Considering the limited issue involved in this petition, there shall be a direction to the enquiry officer, namely, the second respondent herein to issue summons to all the persons concerned and comply the earlier order of this Court in proper manner. The petitioners and the first respondent shall file list of documents as well as list of witnesses to be examined by the second respondent. On filing of such list, the second respondent shall summon all the persons concerned and also direct them to produce documents, which are relevant for enquiry and the enquiry shall be conducted within a period of two months from the date of receipt of a copy of this order. Compliance Report must be submitted to the Registry of this Court.

6.With the above directions, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

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 Divisional Magistrate cum
Revenue Divisional Officer,
Revenue Divisional Office,
Sattur Division,
Virudhunagar District.

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

Copy to

The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD)No.4775 of 2020 and
Crl.MP(MD) Nos.2730, 2732 & 4037 of 2020
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SSS(CO)
KB(14.07.2021) 3P 4C