



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **18.11.2021**

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl O.P.(MD)No.16305 of 2021

and

Crl M.P.(MD)No.8729 of 2021

S.Ramanujan

... Petitioner/Respondent

Vs.

1.The Sub Divisional Magistrate cum Sub Collector,
Pattukottai,
Thanjavur District.

2.The Inspector of Police,
Town Police Station,
Pattukottai,
Thanjavur District.

3.Bhuvaneswari

... Respondents

Prayer : Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records and quash the order passed Na.Ka.No.2131/2021/A3, dated 29.09.2021 on the file of Sub Divisional Magistrate cum Sub Collector, Pattukottai.

For Petitioner : Mr.S.C.Heorld Singh
For Respondents : Mr.M.Veeranthiran
Government Advocate
(Crl Side) for R1 & R2
Mr.ARL.Sundaresan
for M/s.AL.Gandhimathi for R3
Senior Counsel

ORDER

Heard the learned Counsel for the petitioner, the learned Government Advocate for respondents 1 and 2 and the learned Senior Counsel for the third respondent.

2. The petitioner challenges the impugned order dated 29.09.2021 passed by the first respondent invoking his power under Section 145 Cr.P.C. By the impugned order, the first respondent has directed that both the parties should not restrain the other from using the pathway in question. According to the petitioner, there is no such pathway in existence. I am relieved of the need to go into the factual controversy. This is because the petitioner has also filed O.S.No.145 of 2021 before the jurisdictional civil Court on 04.10.2021 in this regard. If the petitioner has not filed any interim application in the said Court, he shall file an interim



application one week from the date of receipt of copy of this order.

3. The jurisdictional Court is directed to pass orders on the said interlocutory application on merits and in accordance with law within a period of eight weeks thereafter. The impugned order passed by the Executive Magistrate, shall abide by the order that may be passed by the jurisdictional Court in O.S.No.145 of 2021. I have not gone into the merits of the matter. This Criminal Original Petition is disposed of accordingly. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mga/csm

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 Sub Collector,
Pattukottai,
Thanjavur District.

2.The Inspector of Police,
Town Police Station,
Pattukottai,
Thanjavur District.

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

+1 CC to M/s.S.C. HEROLD SINGH, Advocate (SR-35092[F] dated
19/11/2021)

Crl O.P. (MD)No.16305 of 2021
and
Crl M.P. (MD)No.8729 of 2021
18.11.2021

TP (CO)
KB(30.11.2021) 2P 5C

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