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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.1517 OF 2022

R.Ramalingam

... Petitioner

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Ariyalur District.
2. The Inspector of Police,
Kairlabath Police Station,
Thelur, Ariyalur District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents not to harass the petitioner by interfering in a civil dispute by considering the petitioner's representation dated 31.12.2021.

For Petitioner : Mr.A.V.Raja

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor.

ORDER

This Criminal Original Petition has been filed to direct the respondents not to harass the petitioner by interfering in a civil dispute by considering the petitioner's representation dated 31.12.2021.

2.The grievance of the petitioner is that the petitioner earlier had filed a civil suit in O.S.No.185 of 1987, on the file of the District Munsif Court, Ariyalur, in respect of land measuring an extent of 1.42cents, in S.F.No.272/3, Konerirayampuram village, Ariyalur District. The petitioner had



purchased the said property on 12.07.1983 from Poyyamozhi, the grandson of Muthusamy Padayachi. The petitioner is in possession and enjoyment of the said property for the past 40 years and his predecessors in title was in possession of the property for more than 60 years. During the year 1987, at the instigation of the Village President, the Tahsildar, Ariyalur had attempted to classify the property as Mayanam land, which was objected by the petitioner and filed a civil suit in O.S.No.185 of 1987, before the District Munsif Court, Ariyalur, and now, the petitioner had obtained decree in his favour and thereafter, in the appeal in A.S.No.112 of 2008, the Additional District Judge, Ariyalur, by judgment and decree dated 20.12.2010, dismissed the appeal by confirming the petitioner's own uninterrupted possession and enjoyment of the property. Thereafter, the revenue authorities failed to issue patta/B memo in the name of the petitioner. Thereafter, the petitioner had filed W.P.No.20921 of 2021. This Court by order dated 29.09.2021, directed the revenue officials to pass orders on the judgment and decree of the Civil Court within a period of 16 weeks from the date of the receipt of the order copy. The petitioner's contention is that after the receipt of the order copy, the petitioner submitted his representation dated 27.12.2021, along with the order copy of this Court to the Tahsildar and the same is pending. Further, on 29.12.2021 and 30.12.2021, the petitioner appeared before the second respondent and gave explanations about the status of the property and the petitioner's right over the property, for the reasons best known, the Village Administrative Officer and the second respondent are threatening the petitioner not to enter into the property and not to cut the Savukku Casurina trees, which the petitioner planted and cultivated. This unreasonable, illegal obstructions has been made only for some vested interest. Having no other option, the petitioner has filed this petition.

3.The learned Additional Public Prosecutor submits that the complaint has been received and it is being considered.

4.In view of the same, the petitioner is directed to appear before the second respondent on 14.02.2022 along with this order and the Civil Court order and the recently passed order of this Court and any other supporting documents in support of his contentions. The second respondent to summon the VAO and instruct the revenue authorities not to interfere with the petitioner's peaceful enjoyment of the property and also to permit petitioner to cut and take the harvest of Casurina (Savukku) trees unless there is any order from the appropriate Court. Investigation to be completed within a period of two weeks without delay.



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5. With the above directions, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Ariyalur District.
2. The Inspector of Police,
Kairlabath Police Station,
Thelur, Ariyalur District.
3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.1517 of 2022

GSM(CO)
RLP(10/02/2022)