

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.13748 of 2020

V.K.Perumal

...Petitioner

-Vs-

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Revenue Divisional Officer,
Kancheepuram District,
Kancheepuram.

3.The Tahsildar,
Uthiramerur Taluk Office,
Kancheepuram District.

4.The Inspector of Police,
Uthiramerur Police Station,
Kancheepuram District.

... Respondents

Prayer: Criminal Original petition filed under Section 482 of the Code of Criminal Procedure, to hold an enquiry under Section 133 Cr.P.C by restoring the Vedapalayam Poonthandalam Road to its original position for public transport to save agricultural operations of 1000 agriculturists using the said road.

For Petitioner : Mr.R.Sankarasubbu

For RR1 to 3 : Mr.M.Elumalai
Additional Government Pleader

For R4 : Mr.A.Gopinath
Government Advocate (Cr1. Side)

ORDER

This Criminal Original Petition has been filed to direct the respondents to hold an enquiry under Section 133 Cr.P.C to restore the Vedapalayam-Poonthandalam Road to its original position for public transport to save agricultural operations of 1000 agriculturists using the said road.

2. Heard both side and perused the materials available on record.

3. While pending this direction petition, the 4th respondent police filed counter affidavit wherein, he stated that on 26.11.2020 at 12.15 hours one N.Mani/De-facto complainant has lodged a complaint before the 4th respondent alleging that he is a resident of Uthiramerur region and also the president of Uthiramerur Advocate Union. There is a vacant land vide S.No.698/1 belonging to Uthiramerur Court located in Vedapalayam Village, Uthiramerur Taluk. Further, he alleged that on 26.11.2020 at about 11.30 hours, the petitioner along with one A2/Murugan @ Vandu Murugan, A3/Kirubakaran and A4/Mani @ Kuruttu Mani and un-identified 20 persons unlawfully assembled and trespassed and damaged the said vacant land illegally by digging and taken out sand. It was questioned by the defacto complainant and the accused persons abused them in filthy languages and also used un-parliamentary words. Hence, the complaint. Based on the said complaint, FIR was registered by the 4th respondent in Crime No.291/2019 for offence under Section 147, 448, 294(b) of IPC and 3(i) of TN PPDL Act, 1992 on 26.11.2019.

4. In view of the above facts and circumstances, the land which was allotted in favour of the Uthiramerur Court, comprised in S.No.698/1 is under challenge by the petitioner. Therefore, the direction sought for in this petition to hold an enquiry under Section 133 of Cr.P.C cannot be considered. However, the petitioner is at liberty to workout his remedy before the appropriate forum.

5. This Criminal Original Petition is dismissed with the above liberty.

Sd/-
Deputy Registrar(CS)

// True Copy //

Sub Assistant Registrar

ata/nti

To

- 1.The District Collector,
Kancheepuram District,
Kancheepuram.
- 2.The Revenue Divisional Officer,
Kancheepuram District,
Kancheepuram.
- 3.The Tahsildar,
Uthiramerur Taluk Office,
Kancheepuram District.
- 4.The Inspector of Police,
Uthiramerur Police Station,
Kancheepuram District.
- 5.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Sankarasubbu, Advocate SR.No.35066

Cr1.O.P.No.13748 of 2020

CB(11/07/2022)