



WEB COPY



Crl.OP.No.16137 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.16137 of 2020

and

Crl.MP.No.6187 of 2020

1. Anandhan
2. A.Govindaraj ... Petitioners

Vs.

1. The Tahsildar-Cum-
Executive Magistrate,
O/o.Tahsildar, Palacode,
Dharmapuri District.

2. The Sub Inspector of Police,
Marandahalli Police Station,
Dhina Gudalana Halli,
Gujarhalli Post, Palacode TK,
Dharmapuri District.

3. Murugesan ... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the communications made in Na.Ka.No.1599/2020 (A1) dated 27.07.2020 issued by the first respondent quash the same and consequently forbear the respondents in any manner interfering with the petitioners possession



Crl.OP.No.16137 of 2020

and enjoyment of the agricultural properties comprised in S.No.266/2 situated at Chikkathoranapettam Village Palacode Taluk, Dharmapuri District.

For Petitioner : Mr.C.Ethirajulu
For Respondents : Mr.A.Gopinath for R1
Government Advocate (Crl. Side)
: M.Santhanarraman for R2

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C seeking orders to call for the records relating to the communications made in Na.Ka.No.1599/2020 (A1) dated 27.07.2020 issued by the first respondent and quash the same and consequently forbear the respondents in any manner interfering with the petitioners possession and enjoyment of the agricultural properties comprised in S.No.266/2 situated at Chikkathoranapettam Village Palacode Taluk, Dharmapuri District.

2. The case of the prosecution is that on 15.07.2020 at about 12.00 p.m., while the first petitioner and the second petitioner with one Murthy were erecting fencing in their land boundary situated in S.Nos.266/1, 2,



Crl.OP.No.16137 of 2020

WEB COPY

3A and 3B at Chikkathoranapettam village, Palacode Taluk, the respondent Nos.3 to 7 herein including the public of the Dhinnagudalanahalli village prevented the fencing work for the reason that they were using a pathway for taking dead bodies which runs through the above land for so many years to the burial ground. With regard to the complaint lodged by the petitioners CSR.No.106 of 2020 was assigned on 15.07.2020. On the same day, Dhinnagudalanahalli village people were appeared and lodged a complaint against the petitioners by stating that the petitioners prevented the erection of fencing for the reason that a pathway for the burial ground was running through the petitioner's land and petitioners abused them in filthy language. Based on the complaint a CSR.No.107 of 2020 was assigned by the respondent police.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondents police.



Cr.OP.No.16137 of 2020

WEB COPY

4. It is seen from the summons dated 27.07.2020 that it was issued only to conduct Peace Committee Meeting. It seems that the respondents 3 to 7 lodged a complaint before the Inspector of Police, Marandahalai Police Station, Dhina Gudalana Halli, Gujarhalli Post, Palacode TK, Dharmapuri District. On receipt of the same, the Inspector of Police found that there was a land dispute in-respect of the property comprised in S.No.266/2 under Patta.No.28 admeasuring 0865 Hectares situated at Chikkathoranapettam village, Marandahalli, Palacode Taluk, Dharmapuri District. Therefore, the Inspector of Police, Marandahalli has been referred the complaint before the first respondent. On receipt of the same, the first respondent felt that it can be communicated between the parties for amicable settlement. Therefore, issued notice to both the parties to appear before the Peace Committee Meeting to be conducted on 06.08.2020. Therefore, the impugned summon was not to initiate any proceedings either under 107 of Cr.P.C or 110 of Cr.P.C. That apart, the petitioner also filed a suit in respect of the very same property in O.S.No.78/2020 on the file of the learned District Munsif, Palacode as against the respondents 3 to 7 herein and it is pending. Therefore, this



Crl.OP.No.16137 of 2020

WEB COPY

Court finds no infirmity or illegality in the notice. That apart, in the Peace Committee Meeting only if the petitioner agreed for the resolution arrived between the parties, the petitioner has to sign and if the petitioner is not inclined to agree for the terms arrived in Peace Committee Meeting, he need not to sign in the resolution arrived in the said meeting. Therefore, this Court finds no infirmity or illegality in the summons issued by the first respondent and this petition is liable to be dismissed.

5. Accordingly, this Criminal Original Petition is dismissed.
Consequently, connected miscellaneous petition is closed.

17.06.2022

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
Vv



WEB COPY



Crl.OP.No.16137 of 2020

G.K.ILANTHIRAIYAN, J.

Vv

To

1. The Tahsildar-Cum-
Executive Magistrate,
O/o.Tahsildar, Palacode,
Dharmapuri District.
2. The Sub Inspector of Police,
Marandahalli Police Station,
Dhina Gudalana Halli,
Gujarhalli Post, Palacode TK,
Dharmapuri District.
3. The Public Prosecutor,
High Court, Madras.

**Crl.O.P.No.16137 of 2020
and
Crl.MP.No.6187 of 2020**

17.06.2022



WEB COPY



CrI.OP.No.16137 of 2020