



W.P.No.28648 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

W.P.Nos.28648 of 2022
and
W.M.P.Nos.27926 & 27928 of 2022

A.Pandu

... Petitioner

Vs.

1.The Sub Divisional Magistrate/
The Revenue Divisional Officer,
Kallakurichi,
Kallakurichi District.

2.The Sub Inspector of Police,
Kallakurichi Police Station,
Kallakurichi District.

3.Varadarajan

4.Gejalakshmi

5.Uma Maheswari

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of CERTIORARI, to call for the records relating to the impugned proceedings Na.Ka.A3/2177/2022 dated 12.08.2022 issued by the first respondent to the petitioner and quash the same.

For Petitioner : Mr.D.Ashok Kumar



WEB COPY



W.P.No.28648 of 2022

For Respondents : Mr.S.Santhosh for R1 & R2 ,
Government Advocate (crl.side)

ORDER

This Writ Petition has been filed to quash the proceedings Na.Ka.A3/2177/2022 dated 12.08.2022 passed by the first respondent.

2.The learned Counsel appearing for the petitioner submitted that there is no necessity for the Revenue Divisional Officer to conduct enquiry with regard to pathway dispute since the patta has been issued in favour of the petitioner. Hence, the present petition has been filed.

3.The learned Government Advocate (crl.side) submitted that the notice issued by the first respondent is in compliance with the requirement of Section 111 of Cr.P.C., and there is no reason to quash the notice issued by the first respondent.

4.I have considered the matter in the light of the submission made by the learned counsel for the petitioner and the learned Government Advocate (crl.side) for the first respondent.



W.P.No.28648 of 2022

5. On perusal of records, it is seen that the first respondent issued impugned notice by proceedings in Na.Ka.A3/2177/2022 on 12.08.2022. A perusal of impugned notice, it is seen that there is dispute between the parties with regard to pathway in S.No.214/10 and 214/11 at Porpadakurichi. On the complaint given by the respondents 3 & 4, notice has been issued under Section 111 of Cr.P.C., to the petitioner for enquiry. As per Section 111 of Cr.P.C., the Magistrate shall make an order in writing, setting forth the substance of the information received, the amount of the bond to be executed, the term for which it is to be in force, and the number, character and class of sureties (if any) required. Therefore, the impugned notice is issued in compliance with Section 111 of Cr.P.C. Hence, there is no reason to quash the impugned notice and I find no merit in this case.

6. Accordingly, this Writ Petition stands dismissed. No costs.
Consequently, connected miscellaneous petitions are closed.

31.10.2022

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
shk



WEB COPY



W.P.No.28648 of 2022

V.SIVAGNANAM, J.

shk

To

1.The Sub Divisional Magistrate/
The Revenue Divisional Officer,
Kallakurichi,
Kallakurichi District.

2.The Sub Inspector of Police,
Kallakurichi Police Station,
Kallakurichi District.

3.The Public Prosecutor,
High Court of Madras.

W.P.Nos.28648 of 2022

and

W.M.P.Nos.27926 & 27928 of 2022

31.10.2022