



W.P. No. 24285 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2022

Coram

**The HONOURABLE Ms. JUSTICE R.N.MANJULA**

W.P. No. 24285 of 2021

K.Sambath

.. Petitioner

Vs.

1. The Revenue Divisional Officer,  
Thiruvannamalai Division,  
Thiruvannamalai.
2. The Deputy Superintendent of Police,  
Chengam Taluk,  
Chengam, Thiruvannamalai District.
3. The Inspector of Police,  
Chengam Police Station,  
Chengam, Thiruvannamalai Dt.
4. Jayaraman

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the first respondent, the Revenue Divisional Officer, Thiruvannamalai to initiate appropriate action under Section 145 of Code of Criminal Procedure forthwith.



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For Petitioner : Mr. E.P.Senniayangiri  
For Respondents : Mr. A.Damodaran  
Additional Public Prosecutor

### **ORDER**

This writ petition has been filed for the issuance of a writ of mandamus directing the first respondent, the Revenue Divisional Officer, Thiruvannamalai to initiate appropriate action under Section 145 of Code of Criminal Procedure forthwith.

2. The property in S.F. No.2/1 Kottakulam Village, Chengam Taluk, Tiruvannamalai District, measuring an extent of 8 acres 34 cents was originally belonged to the great grandmother of the petitioner namely Chinnathayammal and she was in enjoyment of the same. After her death, her only daughter Ponnammal @ Pachiyammal inherited the property and was in enjoyment of the same. Even during the lifetime of Chinnathayammal, a gift deed was executed in favour of her daughter. After the demise of Ponnammal, her legal heirs Manickam, Perumal, Krishnan, Kannan inherited the property gifted to her and they have been in enjoyment of the same. The



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petitioner is the son of one Kannan who is the joint owner of the subject property. In the meanwhile, the fourth respondent started to proclaim that he is also having a share in the above said property and he applied for subdivision of the property. Without proper enquiry, the fourth respondent name is also included in the patta and patta has been issued in Patta No.674. The petitioner had objected the same and on which an enquiry has been initiated and it is pending. The grievance of the petitioner is that during pendency of the enquiry, the fourth respondent started to give all sorts of troubles and cause disturbance to the peaceful enjoyment of the petitioner over the subject matter. Hence, the petitioner had given a complaint on 25.10.2021 to the third respondent police. Since the third respondent police refused to initiate any action by stating that the enquiry is pending before Revenue Divisional Officer, Tiruvannamalai, the petitioner has also given a complaint to the Deputy Superintendent of Police, Chengam / second respondent. Thereafter, the petitioner was advised to approach Revenue Divisional Officer again for seeking appropriate action under Section 145 Cr.P.C. Accordingly, the petitioner had sent a complaint to the Revenue Divisional Officer on 26.10.2021. Since no action has been taken so far, he



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has filed a Writ Petition seeking appropriate direction against the first respondent.

3. The learned Additional Public Prosecutor on instructions submitted that on a complaint given by the petitioner, the case was assigned in C.S.R. No.474 of 2021 and after enquiry it was closed on 24.10.2021 by recording that the matter is civil in nature and the parties were advised to initiate appropriate civil proceedings.

4. No doubt the claim made by the petitioner and the fourth respondent in respect of the subject matter of the property is civil in nature. Despite the petitioner had been sending several complaints to the respondents 1 to 3, he had not opted to file a civil suit for getting appropriate remedy. Since the cause of action that arises in this cases is civil in nature, it is appropriate for the petitioner to file a civil suit before appropriate forum as advised by the official respondents, after exhausting the remedies available before the revenue Courts.



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5. In view of the above, this Writ Petition is closed.

**28.10.2022**

Index: Yes/No

Speaking order / Non-speaking order

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To:

1. The Revenue Divisional Officer,  
Thiruvannamalai Division,  
Thiruvannamalai.
2. The Deputy Superintendent of Police,  
Chengam Taluk,  
Chengam, Thiruvannamalai District.
3. The Inspector of Police,  
Chengam Police Station,  
Chengam, Thiruvannamalai Dt.
4. The Public Prosecutor,  
Madras High Court.



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**R.N.MANJULA, J.,**

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