



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C(MD)No.19 of 2022

&

Crl.M.P(MD)No.374 of 2022

WEB COPY

1. S.Muthusamy
2. Meenakshi Sundaram ... Petitioners/
'A' Party

Vs.

1. The Sub Divisional Magistrate cum
Revenue Divisional Officer,
Tiruchendur,
Thoothukudi District.

2. The Inspector of Police,
Eral Police Station,
Thoothukudi District. ... Respondents/
Respondents

3. Muthusamy
4. Babanasa Perumal
5. J.Vellaisamy ... Respondents/
'B' Party

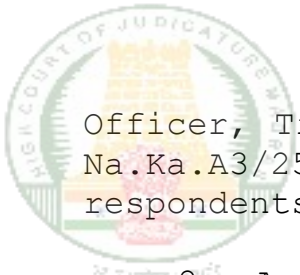
Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the entire records pertaining to the order passed by the Sub Divisional Magistrate cum Revenue Divisional Officer, Tiruchendur, Thoothukudi District vide her proceedings in Na.Ka.A3/2563/2021 dated 17.12.2021, under Section 145 of Cr.P.C. and set aside the same.

For Petitioners : Mr.R.Anand
For Respondents : Mr.K.Sanjai Gandhi
Government Advocate (Criminal Side)
for R.1 & R.2
: Mr.K.Muthu Malai for R3 to R5

O R D E R

This Criminal Revision Case has been filed to set aside the order passed by the Sub-Divisional Magistrate-cum-Revenue Divisional

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Officer, Tiruchendur, Thoothukudi District, vide her proceedings in Na.Ka.A3/2563/2021, dated 17.12.2021 and thereby, permitting the respondents 3 to 5 to use the subject property as a pathway.

2. According to the petitioners, they are the Trustees of Arulmigu Mutharamman Temple. While being so, there was a dispute in respect of pathway to reach the house of the respondents 3 to 5 herein situated in Survey No.363/2. In this regard, they lodged a complaint before the second respondent and the same was forwarded to the first respondent to initiate proceedings under Section 145 Cr.P.C. On enquiry, the first respondent revealed that the subject property i.e, the property comprised in Survey No.363/2 is a Government Poramboke land. In the said land, the respondents 3 and 4 have constructed the house and residing there. In the southern side of the said land, Arulmigu Mutharamman Temple is situated and on the other side of the Temple, there is a land which is used by the respondents 3 and 4 herein as a pathway. Now the petitioners have objected the same to put up the fencing. Further the fifth respondent owned a land comprised in Survey No.361/1C2C2. However, the pathway is used by them for several years and now it was objected to by the petitioners. Even as per the revenue records, the said land belong to the Temple Authorities and the respondents 3 and 4 are residing in the Government Poramboke land. While being so, the first respondent ought not to have passed an order by entrusting the ownership of the said land in favour of the third and fourth respondents herein.

3. That apart, there is a dispute between the petitioners and the respondents 3 to 5 in respect of the respective possession of the land and as such, it is to be dealt with by a Civil Court.

4. In view of the above, the Criminal Revision Case is dismissed. The petitioners and the respondents 3 to 5 herein are at liberty to approach the competent Civil Court for appropriate relief in the manner known to law. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:-

1. The Sub Divisional Magistrate-cum-
Revenue Divisional Officer,
Tiruchendur,
Thoothukudi District.
2. The Inspector of Police,
Eral Police Station,
Thoothukudi District.
3. The Sub Divisional Magistrate-cum-
Revenue Divisional Officer,
Tiruchendur,
Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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TR (25.05.2022) 3P 5C