



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)No.313 of 2022

and Crl.M.P(MD)No.3944 of 2022

WEB COPY

1.V.Palraj

2.D.Noah

... Petitioners/Parties

Vs.

1.The Deputy Superintendent of Police,
Thirumangalam Sub-Division,
Madurai District.

2.The Tahsildar,
Thiruparankundram Taluk,
Madurai District.

3.The Inspector of Police,
Thirumangalam City Police,
Madurai District.

4.The Sub-Inspector of Police,
Austinpatti Police Station,
Madurai District.

5.The Inspector of Police,
Thirunagar Police Station,
Madurai District.

6.Karuthakannan

... Respondents/Complainants

PRAYER: Criminal Revision Case filed under Section 397 and 401 of the Code of Criminal Procedure, to call for the records pertaining to the impugned order, dated 10.04.2021 on the file of the first respondent police and to set aside the same.

For Petitioners

: Mr.P.Balamurugan

For RR 1 to 5

: Ms.M.Aasha

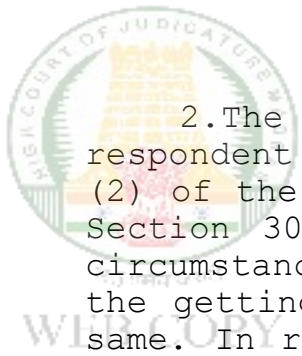
Government Advocate (Criminal Side)

For R - 6

: Mr.S.Malaikani

ORDER

This revision has been filed as against the impugned order, dated 10.04.2021 passed by the first respondent police, thereby directed the parties not to involve any law and order issue. If any illegalities committed, action will be taken against them.



2.The impugned order is challenged on the ground that the first respondent has no jurisdiction to pass such order under Section 30 (2) of the Police Act, 1861. The exercise of power guaranteed under Section 30(2) of the Police Act, 1861, will be exercised in the circumstances of the public peace or other program conducted with the getting permission or license of the parties, who required the same. In respect of the civil dispute, the first respondent has no power or jurisdiction to involve by using the official powers.

3.On a perusal of the counter-affidavit filed by the first respondent revealed that there is a dispute with regard to the land admeasuring 40 cents in the total extent of 57 cents situated at Southern portion of total extent of 3 acres 12 cents comprised in Survey No.192 of Thanakkankulam Village, Madurai District. It was originally belonged to Sathu Seva Samajam Sri Vivekanandha Swamigal Mut between the petitioners group and the sixth respondent group and they had continuous dispute with regard to the said property of 40 cents. The sixth respondent group had claimed right over the said property vide a registered sale deed in Document No.4590 of 2020, dated 07.08.2020. The revision petitioners group had purchased plots from the said Sathu Seva Samajam Sri Vivekanandha Swamigal Mut and the easement for the above said plots is through the disputed property. Therefore, there was a dispute between them and as a result, F.I.Rs came to be registered in Crime Nos.194 and 195 of 2014. Under these circumstances, the wife of the second petitioner herein along with the first petitioner filed a suit in O.S.No.193 of 2016 on the file of the District Munsif Court, Thirumangalam, for easement rights. It was decreed ex-parte on 06.07.2018 for using the same as pathway. On the strength of the decree, a complaint was preferred and in this regard, the first respondent conducted enquiry with both the parties in the presence of Tahsildar, Thirupparankundram and passed orders on 10.04.2021 under Section 30 (2) of the Police Act. Both the parties, namely the petitioners group and the sixth respondent group were fully aware of the said proceedings, dated 10.04.2021 and during the enquiry, produced several documents in support of their respective contentions. Therefore, the first respondent rightly passed the order on 10.04.2021, in which both the parties duly signed and passed resolution. Having been agreed for the resolution passed on 10.04.2021, now the petitioners challenged that the first respondent has no jurisdiction to pass the impugned order.

4.Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Criminal Side) appearing for the respondents 1 to 5 and the learned counsel appearing for the sixth respondent.

5.The impugned order is nothing but directed the parties to maintain law and order issue and if violated any law and order issue, they will be prosecuted under the law. Therefore, this Court



respondent. Accordingly, this Criminal Revision Case fails and the same is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

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Sub Assistant Registrar(CS)

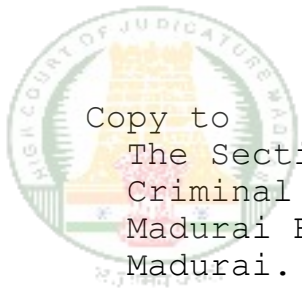
ps

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Deputy Superintendent of Police,
Thirumangalam Sub-Division,
Madurai District.
- 2.The Tahsildar,
Thiruparankundram Taluk,
Madurai District.
- 3.The Inspector of Police,
Thirumangalam City Police,
Madurai District.
- 4.The Sub-Inspector of Police,
Austinpatti Police Station,
Madurai District.
- 5.The Inspector of Police,
Thirunagar Police Station,
Madurai District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



Copy to
The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

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+1 CC to M/s.S. MALAIKANI, Advocate (SR-16586[F] dated 05/04/2022)

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04.04.2022

RK(19/04/2022) 4P 10C