



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C. (MD)No.432 of 2020

and Crl.MP(MD)No.3774 of 2020

WEB COPY

A.Bharathirajan

... Petitioner

Vs.

1. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

2. The Executive Magistrate-cum-Tashildar,
Srivaikundam Taluk,
Thoothukudi District,

3. The Inspector of Police,
Seithunganallur Police Station,
Seithunganallur,
Thoothukudi District.

4. N.Lakshmanan

5. L.Narayanan

... Respondents

Prayer: This Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to set aside the impugned proceedings issued by the 2nd respondent in Na.Ka.No.A4/4498/2019 dated 27.05.2020 alleged to be issued under section 145 of Cr.P.C. in respect of the land in Sy.No.816/3, Seithunganallur Village, srivaikundam Taluk, Thoothukudi District.

For Petitioner : Mr.P.M.Vishnuvarthan

For R1 to R3 : Mr.M.Aasha
Government Advocate (Crl. Side)

O R D E R

This Criminal Revision Petition has been filed to set aside the impugned proceedings issued by the second respondent in Na.Ka.No.A4/4498/2019 dated 27.05.2020 alleged to be issued under section 145 of Cr.P.C. in respect of the land in Sy.No.816/3, Seithunganallur Village, srivaikundam Taluk, Thoothukudi District, thereby, directed the father of the petitioner not to disturb with the peaceful possession and enjoyment of the fourth and fifth respondents herein.



2.On perusal of records, it is revealed that originally the property was assigned as a free house site, in favour of one Sundari, W/o. Yesuvadiyan by the proceedings dated 30.03.1989. Thereafter, she sold out the property vide registered sale deed dated 24.02.2015, in favour of one Muthumalai, S/o.Devakanni. At the same time, the said Sundari also executed an unregistered sale deed in favour of one Ekkammal, W/o. Velayutham, in respect of very same property. Whereas, the father of the fourth respondent purchased the said property from said Muthumalai, who purchased by way of registered sale deed from said Sundari.

3.The case of the petitioner is that the very same property, which was allotted in favour of one Valliyammal, W/o. Vembu, from whom the property was purchased by the petitioner, by the registered sale deed dated 13.05.2020. On the strength of sale deed, he claims the property and as such on the complaint lodged by the fourth and fifth respondents, the third respondent requested the second respondent to initiate proceedings under Section 145 of Cr.P.C. Accordingly, the proceedings initiated and orders passed by the second respondent, directing the petitioner's father not to interfere with the peaceful possession and enjoyment of the said property, by the fourth and fifth respondents herein.

4.Though, the petitioner alleged that the allotment of the subject property was in favour of Sundari, subsequently it was cancelled and the very same property was allotted in favour of one Valliammal, the petitioner failed to produce any documents to substantiate the contention. However, admittedly there is a dispute, in respect of title over the property between the petitioner and the fourth and fifth respondents. Therefore, the Civil Court is the appropriate forum to settle the issue between the petitioner and the fourth and fifth respondents herein. The petitioner and fourth and fifth respondents are directed to approach the Civil Court, to ascertain their respective title, in respect of the property comprised in Sy.No.816/3, Seithunganallur Village, Srivaikundam Taluk, Thoothukudi District. Till the outcome of the result from the civil suit, the petitioner and fourth and fifth respondents are directed to maintain *status- quo*, in respect of subject property.

5.With the above directions this Criminal Revision Petition is disposed of. Consequently, connected miscellaneous petition is closed.

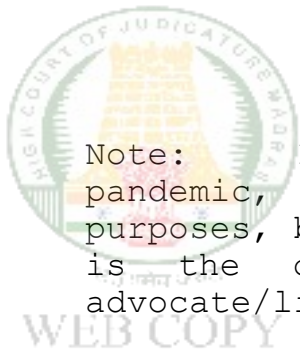
Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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 Superintendent of Police,
Thoothukudi District,
Thoothukudi.
2. The Executive Magistrate-cum-Tashildar,
Srivaikundam Taluk,
Thoothukudi District,
3. The Inspector of Police,
Seithunganallur Police Station,
Seithunganallur,
Thoothukudi District.
4. 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.

+1 CC to M/s.P.M.VISHNUVARTHANAN, Advocate (SR-9869[F] dated
03/03/2022)

Cr1.R.C. (MD) No.432 of 2020

02.03.2022

RK(25/03/2022) 3P 8C