



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.R.C(MD)No.370 of 2021

and

Cr1.M.P(MD)No.3802 of 2021

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Muthumani

... Petitioner/B-Party

Vs.

1.The Revenue Divisional Officer,
Madurai,
Madurai District.

2.The Inspector of Police,
Oomachikulam Police Station,
Madurai District.

(Crime No.265 of 2018). ... Respondents 1 & 2

3.Surulirajan

4.Velayudham

5.Murugan

6.Subbiah

... Respondents 3 to 6/A-Party

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the entire records pertaining to the order passed by the first respondent in ROC.No.8662/2018 M, dated 05.03.2020 and to set aside the same.

For Petitioner : Mr.C.M.Arumugam

For RR 1 & 2 : Ms.M.Aasha
Government Advocate (Cr1. Side)

For RR 3 to 6 : Mr.R.J.Karthick

ORDER

This revision has been filed as against the order passed by the first respondent in ROC.No.8662/2018 M, dated 05.03.2020, thereby directed both the parties to refrain themselves from indulging in illegal activities over possession and enjoyment of the above said property creating law and problem affecting public peace and tranquility and also directed the second respondent to take appropriate action to maintain law and order problem due to the dispute in respect of the subject property by violation of the above said order.



2. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 and the learned counsel appearing for the respondents 3 to 6 and perused the materials available on record.

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3. On a perusal of the records revealed that the petitioner claims title and ownership with regard to the property comprised in Survey Nos. 171/12 and 171/13 of Oomachikulam, Chettikulam Village, Madurai North Taluk, Madurai District. The property comprised in Survey No. 121/1A to an extent of 54 cents was purchased by his grandmother. Apart from that the property comprised in Survey No. 171/12 to an extent of 16-1/2 cents was purchased by his grandfather by three sale deeds. Out of 16-1/2 cents, his grandfather executed a deed of settlement by dedicating an extent of 5 cents in favour of the family deity, namely Sri Ariya Veersamy Temple. Thereafter, in the name of the said Temple, electricity service connection was obtained and house tax was also paid in the name of the said Temple. But, during UDR settlement, it was wrongly mentioned as pathway and taking advantage of the wrong entry, the respondents 3 to 6 objected and created law and problem. Hence, two suits were instituted and both are pending on the file of the learned District Munsif, Melur. Therefore, the second respondent referred the issue before the first respondent to initiate proceedings under Section 145(1) of Cr.P.C in respect of the subject land comprised in Survey No. 171/12 and 171/13 situated at Chettikulam Village, Madurai District.

4. Considering the suits pending in respect of the subject property between the parties, the first respondent rightly passed the order thereby refrained the parties from indulging in any illegal activities over possession and enjoyment of the above said property. If they indulged in any law and order problem, the second respondent was directed to take appropriate action against them. Further, the said order shall remain in force subject to the result of the civil suits pending on the file of the learned District Munsif, Melur. Therefore, this Court finds no infirmity or illegality in the order passed by the Court below. Accordingly, this Criminal Revision Case is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

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 Revenue Divisional Officer,
Madurai,
Madurai District.
- 2.The Inspector of Police,
Oomachikulam Police Station,
Madurai District.
3. 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.(2 copies)

+1 CC to M/s.C.M. ARUMUGAM, Advocate (SR-21650[F] dated
27/04/2022)

Order made in
Crl.R.C (MD) No.370 of 2021
25.04.2022

GM(CO)
TR(09.05.2022) 3P 7C