



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2022

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P. (MD)No.16756 of 2019

and

WMP (MD)No.13357 of 2019

WEB COPY

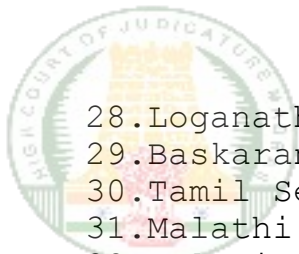
- 1.M.Anbazhagan
- 2.Karunanidhi
- 3.Pattammal
- 4.Balasubramanian
- 5.Pandian
- 6.S.Rajarathinam
- 7.Lakshmanan

... Petitioners

Vs.

- 1.The Revenue Divisional Officer,
Sub Divisional Magistrate,
Thanjavur District.
- 2.The State rep by
The Deputy Superintendent of Police,
Vallam Division, Thanjavur District.

- 3.Dhanabal
- 4.Kanagasabai
- 5.Kasinathan
- 6.Selvaraj
- 7.Navaneethan
- 8.Jeyaram
- 9.Rajan
- 10.Ravi
- 11.Sampath
- 12.Prabakaran
- 13.Kuberan
- 14.Saravanan
- 15.Mariappan
- 16.Perumal
- 17.Satheesh
- 18.Vijayakumar
- 19.Sadasivam
- 20.Nithiyanandam
- 21.Nagaraj
- 22.Sankar
- 23.Kamalakannan
- 24.Pottumani
- 25.Maheswari
- 26.Marimuthu
- S/o.Kangamirthan



28.Loganathan
29.Baskaran
30.Tamil Selvan
31.Malathi
32.Palaniappan
33.Arumugam
34.Dharmaraj
35.Gajendran
36.Murugan
37.Thangavel
38.Marimuthu
S/o.Rajabackiyam
39.Sasikumar
40.Subramanian
S/o.Thirumeni
41.Sivakumar
42.Kandasamy
43.Subramanian
S/o.Durai Manicka Gopalar,
44.Balasubramanian
45.Singaravelu

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, to call for the records of the impugned order passed by the 1st respondent in Pa.Mu.2594/2019/A3 dated 21.06.2019 and quash the same as illegal.

For Petitioners : Mr.C.Arul Vadivel Alias Sekar

For R1 & R2 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

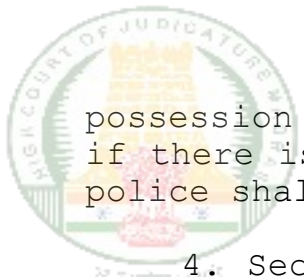
For R42 to R 45 : Mr.C.Bharathi

ORDER

This Writ Petition has been filed to quash the order passed by the first respondent in Pa.Mu.2594/2019/A3 dated 21.06.2019.

2.The impugned order passed by the Executive Magistrate cum Revenue Divisional Officer, Thanjavur District, exercising the power under Section 145 (1) of Cr.P.C., is under challenge, in this Writ Petition.

3. On perusing the impugned order passed by the Executive Magistrate cum Revenue Divisional Officer, Thanjavur District, dated 21.06.2019, this Court finds that after making elaborate discussion about the dispute between the 'A' party and the 'B' party, regarding the title over the property, the enquiry revealed that the property in dispute is in possession of 'B' party and therefore, the



possession should not be disturbed by the members of 'A' party and if there is any attempt to disturb their possession, the respondent police shall provide adequate protection to the 'B' party.

4. Section 145 of Criminal Procedure Code confers power to the Executive Magistrate to pass orders without reference to the merit or the right of any parties to possess the subject land in dispute and the order will not confer title to the both parties. But, to maintain peace, the possession of the property can be ascertained and the same can be protected. In this case, since there is no *prima facie* materials regarding the title, an interim order not to disturb the peaceful possession of the 'B' party ordered to maintain peace and tranquility.

5. The Writ Petition filed challenging the impugned order, is not sustainable. The parties shall workout their dispute regarding the title before the Competent Civil Court and any order or observation made by the learned Executive Magistrate cum Revenue Divisional Officer, Thanjavur District, under Section 145 (1) Cr.P.C proceedings, will not prejudice the merits of the parties claiming title.

6. As a result, this Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2022

Sub Assistant Registrar(CS)

dss

To

1.The Revenue Divisional Officer,
Sub Divisional Magistrate,
Thanjavur District.

2.The Deputy Superintendent of Police,
Vallam Division, Thanjavur District.

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RK(09/02/2022) 3P 3C