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Crl. R.C. No.116 of 2022 &
Cont. Petn. No.1087 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2023

CORAM: JUSTICE N.SESHASAYEE

Criminal Revision Case No.116 of 2022, Crl.M.P. Nos.1142,
3023 & 3777 of 2022 and Contempt Petition No.1087 of 2022

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Arulmigu Moorthiyan - Sri Chathirapilliyar,
Sri Penthoziyamman Worshippers
Association and Dharmathya Beneficiaries
Organisation of Panayadi Village
Rep. by its President
R.Kolajinathan
S/o.Renganathan
Middle Street
Panaiyadi Village
Udayarpalayam Taluk
Ariyalur District

... Petitioner

Vs.

1.The Sub-Divisional Magistrate
cum Revenue Divisional Officer
Udayarpalayam, Ariyalur District

2.Inspector of Police
T.Palur Police Station
Ariyalur District

3.Ramesh
4.Rajesh
5.Shanmugam
6.Mahendiran



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7.Senguttuvan
8.Venkatesh
9.Magesh

... Respondents

PRAYER: Criminal Revision Case filed under Sections 397 & 401 of the Criminal Procedure Code, to call for the records of the order passed by the learned Sub-divisional Magistrate cum Revenue Divisional Officer, Udayarpalayam Taluk, Ariyalur District in M.C. No.02 of 2021/A3 dated 27.10.2021 and set aside the same.

For Petitioner	:	Mr.K.Balu
For Respondents	:	Mr.G.R.Lakshmanan for R3 to R9

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1.S.Ramesh
2.B.Rajesh
3.K.Shanmugam
4.N.Mahendiran
5.S.Senguttuvan
6.D.Venkatesh
7.S.Magesh

... Petitioners

Vs.

R.Kolajinathan

... Respondent

PRAYER: Contempt petition filed under Section 11 of the Contempt of Courts Act for willfully and deliberately misleading this Hon'ble Court to get



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favourable interim orders in Crl. M.P.No.1142 of 2022 in Crl. R.C. No.116 of 2022 dated 10.02.2022 and also for perjury of the order.

For Petitioners : Mr.G.R.Lakshmanan

For Respondent : Mr.K.Balu

COMMON ORDER

The revision petitioner is a third party to certain proceedings of the Sub-divisional Magistrate cum Revenue Divisional Officer, Udayarpalayam Taluk, Ariyalur District in M.C. No.02 of 2021/A3 dated 27.10.2021 initiated in favour of 'B' Party. The said proceedings is under challenge in this revision.

2. When the criminal revision case was moved, this court passed an order granting interim stay till 15.03.2022. Now, the respondents 3 to 9 in Criminal revision case have come before this court with this contempt petition on the allegation that the revision petitioner has wilfully and deliberately misled the court in obtaining the interim order in Crl. M.P. No.1142 of 2022 dated 10.02.2022 and also for perjury and seeks a direction from this court to initiate action for contempt.



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3. Heard the learned counsel for the petitioner. The learned counsel submitted that in the proceedings initiated under Section 145 Cr.P.C. in question, these respondents were arrayed as 'B' party and an order was passed in their favour.

4. In the meantime, this court understands that the revision petitioner has laid O.S. No.122 of 2021 before Sub Court, Jayamkondam, for declaration of title that the property in question belonged to Arulmigu Moorthiyan Sri Chathirapilliyar Temple. The suit is pending.

5. Inasmuch as the civil court has taken cognizance of the dispute as to the title of the property, this court does not consider it proper even to interfere with the order of the Executive Magistrate. Indeed, a perusal of the impugned order of the Executive Magistrate only discloses that the said order was passed on the basis of certain *prima facie* impression gathered by the Executive Magistrate from the facts placed before him, but the learned Executive Magistrate has underscored that the said order would be subject to the outcome of the suit.

6. Inasmuch as the order of the Executive Magistrate is only an order to maintain *status quo* without getting into the title dispute between the parties, it



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is only proper from now onwards, the civil court concerned shall deal with the rival contention of the parties. All the issues raised before this court are left open for the civil court to decide and whichever party is in need of a remedy, may approach the civil court where the original suit is now pending for any remedy that they intend to obtain.

7. With the above direction, the criminal revision case is disposed of. Consequently, the connected criminal miscellaneous petitions and the contempt petition are closed.

30.03.2023

Asr



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N.SESHASAYEE, J.,

Asr

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30.03.2023