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Crl.R.C.No.298 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.04.2023

CORAM :

THE HONOURABLE Dr. JUSTICE **G.JAYACHANDRAN**

Crl.R.C.No.298 of 2020

and

Crl.M.P.No.2234 of 2020

Sellamuthu

.. Petitioner

Vs.

1.The Revenue Divisional Officer,
Namakkal Sub Division,
Namakkal District.

2.Perumal

..Respondents

PRAYER : Criminal Revision Case has been filed under sections 397 read with 401 of Criminal Procedure Code to call for the records of the 1st respondent pertaining to the impugned order dated 06.02.2020 in Na.Ka.No.476/2020/M1, set aside the same.

For Petitioner : Mr.S.Senthil

For R1 : Mr.R.Kishore Kumar
Government Advocate (Crl.Side)

For R2 : Mr.M.Sridhar



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ORDER

This Criminal Revision Case is filed challenging the order passed by the Revenue Divisional Officer, Namakkal Sub Division dated 06.02.2020.

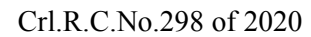
2. Reading of the impugned order apparently indicates that there was a dispute between two groups, one led by Sellamuthu another led by Perumal, both are the sons of Chinnusamy. The dispute in respect of administering the temple and its property. It appears that already a civil suit has been filed and the parties were entered into a compromise and the compromise decree has been passed on 22.07.1997 in O.S.No.219 of 1993. However, after 7 years, again the dispute has arose between the two groups, which has led to a criminal complaint to the Ayilpatty Police Station on 25.01.2020. Pursuant to that, the Revenue Divisional Officer has passed an order, wherein, after enquiring both the parties she has come out a proposal by way of direction.

3. The said order is now challenged in the revision on the ground that the 1st respondent has no authority to pass such direction contrary to the decree passed in the civil Court. His power under Section



145 of Cr.P.C., is very limited. The impugned order on the face of it proved that he has exceeded the power vested on him. Furthermore, it is brought to the notice of the Court that the order has been passed on the same day, which is impugned and without considering the civil Court decree passed with the consent of both the parties.

4. This Court, on perusing the impugned order and after hearing the learned counsel for the 2nd respondent finds that the direction of the 1st respondent in his order dated 06.02.2020, which is impugned before this Court, clearly shows the excessive exercise of power under Section 145 of Cr.P.C. The direction issued by the 1st respondent tantamount to vesting the administration of the temple with one party and diverting the other party of their civil right, which has been decided in the earlier suit. Such order cannot be passed by an Executive. For the said singular reason, the direction found in the impugned order is beyond the scope and limit of Section 145 of Cr.P.C., a provision which confers power on the Revenue Divisional Officer to pass an order to maintain peace and tranquility. Hence the impugned order is liable to be quashed.



06.04.2023

rpl

To

The Revenue Divisional Officer,
Namakkal Sub Division,
Namakkal District.

Dr.G.JAYACHANDRAN, J.



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