



Crl.RC.Nos.720 and 243 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Criminal Revision Case Nos.720 and 243 of 2020

1. K.Balasundar
2. Kothandan

... Petitioners in Crl.RC.No.720 of 2020/ Respondents
6 & 7 in Crl.RC.No.243 of 2020/ "C" Party
Vs.

1. The Revenue Divisional Officer-cum-
Sub Divisional Executive Magistrate,
Central Chennai, Ambattur
Chennai
2. The Thasildhar
Ambattur, Chennai
3. The Special Thasildhar
Town Land Tax Scheme
Ambattur Chennai
4. The Inspector of Police
Law and Order
T-1 Police Station
Ambattur, Chennai

... Respondents 1 to 4 in both the Revisions



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5. M.Sumathi

6. A.D.Murugan

... R5 and R6 in Crl.RC.No.720 of 2020/
Petitioners in Crl.RC.No.243 of 2020

5. Chandrachala Sarathbabu : R7 in Crl.RC.No.720/2020 and
R5 in Crl.RC.No.243 of 2020

Common Prayer: Criminal Revisions filed under Section 397 and 401 of Criminal Procedure Code, praying to set aside the impugned order dated 22.01.2020 made in Na.Ka.Enn.14/2019/A4 and Na.Ka.Enn.14/2019/A1 on the file of the Revenue Divisional Officer-cum-Sub Divisional Executive Magistrate, Central Chennai, Ambattur Chennai, the first respondent herein under Section 145 of Cr.P.C.

For Petitioners in Crl.RC.No.720/2020 : Mr.Swami Subramanian

For R6 & R7 in Crl.RC.No.243/2020 : Mr.K.Ganesan

For Respondents 1 to 4 in
both the Revisions

: Mr.R.Murthi
Government Advocate(Crl.Side)

For R5 and R6 in Crl.RC.No.720 of 2020/

Petitioners in Crl.RC.No.243 of 2020 : Mr.K.N.Nataraj

For R7 in Crl.RC.No.720 of 2020/

R5 in Crl.RC.No.243 of 2020 : No appearance



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ORDER

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The Criminal Revision Petitions have been filed seeking to set aside the impugned order dated 22.01.2020 made in Na.Ka.Enn.14/2019/A4 and Na.Ka.Enn.14/2019/A1 on the file of the Revenue Divisional Officer-cum-Sub Divisional Executive Magistrate, Central Chennai, Ambattur Chennai/1st respondent herein, under Section 145 of Cr.P.C.

2. There are 3 parties viz., A, B and C. The petitioners in Crl.RC.No.720 of 2020, have already set the law into motion by filing a complaint before the 4th respondent. The 4th respondent in turn forwarded the complaint to the 1st respondent. The 1st respondent based on the report from 2nd and 3rd respondents, passed the impugned order dated 22.01.2020 in Na.Ka.Enn.14/2019/A4. Challenging the said impugned order, “C” party one who set the law into motion have filed the revision in Crl.RC.No.720 of 2020 and “A” party have filed the Revision in Crl.RC.No.243 of 2020 before this Court.



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3. The learned counsel for the petitioners in Crl.RC.No.720 of 2020/“C” party would submit that already the petitioners approached this Court by way of writ proceedings and the Patta stands in the name of the petitioners but the 1st respondent wrongly came to the conclusion that the property stands in the name of the Kanniga Parameshwari Temple and that the said observation has to be struck off.

4. The learned counsel for petitioners in Crl.RC.No.243 of 2020/“A” party would submit that the petitioners have filed a civil suit for declaration and it is pending and they have also got patta. Therefore, the impugned order has to be modified.

5. Heard the learned counsel for the petitioners in both the Revisions and the learned Government Advocate (Crl. Side) appearing for the respondents 1 to 4 and also perused the materials available on record.



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6. Admittedly the “C” Party have filed a complaint before the 4th respondent as if, the other parties are disturbing their possession. Since there were rival groups and the law and order situation was likely to disturb, in order to maintain peace and tranquility, they referred the matter to the 1st respondent. The 1st respondent based on the report of the 2nd and 3rd respondents, passed the impugned order dated 22.01.2020.

7. A careful reading of the impugned order dated 22.01.2020 shows that the 1st respondent has observed that the property is originally in a Promboke land and some of the subsequent revenue records shows that the property stands in the name of Kanniga Parameshwari Temple. Further, since there were rival groups viz., A, B and C, the 1st respondent directed the Government to take control over the property and restrain from individual encroaching the same till the disposal of the civil case.

8. Since there are 3 groups, in order to avoid the law and order situation, the 1st respondent has rightly passed the impugned order and



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this Court does not find any perversity in the order passed by the 1st respondent.

9. Further, “A” party has already approached the Civil Court and a Civil Suit is also pending. Therefore, the parties are directed to work out their remedy through Civil Court.

10. With the above observation both the Criminal Revision Cases are disposed of. Consequently connected Miscellaneous Petition is closed.

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- To
1. The Revenue Divisional Officer-cum-
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 2. The Thasildhar
Ambattur, Chennai
 3. The Special Thasildhar
Town Land Tax Scheme
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 4. The Inspector of Police
Law and Order
T-1 Police Station
Ambattur, Chennai
 5. The Public Prosecutor
High Court, Madras



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