



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.17814 of 2023

and

WMP No.16925 of 2023

B. Babu

... Petitioner

Vs.

1. The District Collector of Villupuram,
Villupuram.
2. The Sub Collector of Villupuram District,
Tindivanam, Villupuram District.
3. The District Revenue Officer,
District Collector's Office,
Villupuram.
4. The Tahsildar, Marakkanam,
Tindivanam Taluk, Villupuram District.
5. J. Dhanalakshmi

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order under Notification dated 27.03.2023 made in Na.Ka. No.A2/183/2023 of the 4th respondent and to quash the same directing the



4th respondent herein to wait for the outcome of the decision in the appeal before the 3rd respondent herein for the subject lands measuring 0.80.0 Hectares, comprised in Survey No.98/11, lands measuring 0.12.0 Hectares, comprised in Survey No.98/4 and lands measuring 00320 square meters, comprised in Natham Survey No.123/6, situated in D.Nallam Village, Marakkanam Taluk, Villupuram District, which the petitioner herein acquired the same by a Will dated 20.01.2011, registered as Doc. No.1 of 2011 at the Sub Registrar's Office, Tindivanam, executed by the petitioner's sister Andal Ammal.

For Petitioner	: Mr.R.Agilesh
For Respondents (for R1 to R4)	: : Mr. T. Arunkumar Additional Government Pleader.
(for R5)	: Not ready in Notice

ORDER

The order dated 27.03.2023, issued by the Tahsildar under the Criminal Procedure Code, prohibiting both the parties to enter into the property is under challenge in the present Writ Petition.

2. The petitioner states that he is the absolute owner of the subject property described in the present Writ petition. Admittedly, there is a civil dispute between the petitioner and the 5th respondent. Regarding the said



dispute, an appeal is pending before the District Revenue Officer. The learned counsel appearing on behalf of the petitioner mainly contended that during the pendency of appeal, the Tahsildar/4th respondent ought not to have issued the impugned order prohibiting the parties from entering into the property. Such an order is beyond the powers conferred on the Tahsildar.

3. The learned Additional Government Pleader made a submission that the Tahsildar is empowered to issue such prohibitory orders under Criminal Procedure Code in the event of any law and order issue.

4. More specifically, Section 145 of the Criminal Procedure Code enumerates as follows:-

“145. Procedure where dispute concerning land or water is likely to cause breach of peace.

(1) Whenever an Executive Magistrate is satisfied from a report of a police officer or upon other information that a dispute likely to cause a breach of the peace exists concerning any land or water or the boundaries thereof, within his local jurisdiction, he shall make an order in writing, stating the grounds of his being so satisfied, and requiring the parties concerned in such dispute to attend his Court in person or by



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pleader, on a specified date and time, and to put in written statements of their respective claims as respects the fact of actual possession of the subject of dispute”.

5. In the present case, the prohibitory order was passed by the assigning reasons that there was a law and order issue on account of the civil dispute between the parties. Therefore, this Court do not find any infirmity with the said order. If at all the petitioner is aggrieved with the same, he is at liberty to prefer an appeal against the order impugned since the appeal is already pending before the District Revenue Officer in a Patta proceedings.

6. The Patta proceedings initiated is to be concluded as expeditiously as possible in order to give quietus to the issues between the parties. As far as the impugned order is concerned, the petitioner is at liberty to prefer an appeal in the manner known to law.

7. Accordingly, with these liberties, the Writ petition stands **disposed**



of. No costs. Consequently, the connected miscellaneous petition is closed.

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Index : yes

Speaking order

Neutral Citation: yes

mjs/sha

To

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S.M.SUBRAMANIAM, J.

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