



WEB COPY



Crl.R.C.No.951 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.951 of 2020 and
Crl.M.P.Nos.6605 and 6606 of 2020

Yuvaraj

...Petitioner

Vs-

1. The District Collector,
Erode District, Erode.
2. The Sub-Divisional Magistrate/
Revenue Divisional Officer,
Erode District, Erode.
3. The Inspector of Police,
Chithode Police Station,
Chithode, Erode District.
4. Muthusamy

...Respondents

Prayer: Criminal Revision Case filed under Sections 397 read with Section 401 of Cr.P.C. to set aside the order made in Na.Ka.3257/2019/A2 on the file of the 2nd respondent dated 21.11.2019.

For Petitioner : Mr.J.Kesavan for
M/s.A.Sundaravadhanan



Crl.R.C.No.951 of 2020

For Respondents : R.Murthi,
Govt. Advocate (Crl.Side)
for RR1 to 3
Mr.R.C.Vasha for Mr.G.R.Hari for R4

ORDER

The second respondent passed the impugned order stating that 'A' party can use the common pathway, which is in dispute, against which, present revision is filed by the 'B' party.

2 Learned counsel appearing for the petitioner would submit that with regard to the dispute in connection with the 10 feet pathway, already the petitioner/'B' party filed civil suit in O.S.No.218 of 2019 and despite informing the same to the second respondent, without considering the said fact, the second respondent passed the impugened order, which warrants serious interference of this Court.

3 Learned Government Advocate (Crl.Side) appearing for the respondents 1 to 3 would submit that the second respondent after verifying



Crl.R.C.No.951 of 2020

all the revenue records passed the order allowing the 'A' party to continue the enjoyment of the 10 feet pathway in dispute.

4 Heard the learned counsel appearing for the petitioner as well as the respondents and perused the materials available on record.

5 On reading of the entire materials, it is seen that the 'B' party has filed the suit in O.S.No.218 of 2019 and same is pending before the Civil Court. When the civil suit is pending before the Civil Court, the second respondent cannot declare right of any of the party and cannot direct any of the party to enjoy the property in dispute and he can only pass order to maintain status quo or restore the possession in order to maintain law and order.

6 In this matter, one of parties had already approached the Civil Court and the matter is pending before the Civil forum. Under these circumstances, this Court is inclined to set aside the order passed by the second respondent.



Crl.R.C.No.951 of 2020

WEB COPY 7

Accordingly, the impugned order dated 21.11.2019 made in Na.Ka.3257/2019/A2 by the second respondent is set aside. The parties are directed to workout their remedy before the Civil Court, where the civil suit filed by the 'B' party is pending and the parties are also directed not to create any law and order problem.

8 With the above directions, this criminal revision case is disposed of. Consequently connected miscellaneous petitions are closed.

09.01.2023

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation Case : Yes/No

cgi



Crl.R.C.No.951 of 2020

WEB COPY

To

1. The District Collector,
Erode District, Erode.
2. The Sub-Divisional Magistrate/
Revenue Divisional Officer,
Erode District, Erode.
3. The Inspector of Police,
Chithode Police Station,
Chithode, Erode District.



WEB COPY



Crl.R.C.No.951 of 2020

P.VELMURUGAN, J.,

cgi

Crl.R.C.No.951 of 2020 and
Crl.M.P.Nos.6605 and 6606 of 2020

09.01.2023