



WEB COPY



Crl.RC.No.1287 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.06.2023

CORAM

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Crl.RC.No.1287 of 2018

and

Crl.MP.No.15101 of 2018

A.Chinnasamy (M/A. 65 years)
S/o.Annamalai Gounder,
M.Vetrapatti Pudur Village
Morappur Post,
Dharmapuri District.

... Petitioner

Vs.

1.The Sub Divisional Executive Magistrate and
Revenue Divisional Officer,
Harur, Dharmapuri District.

2.The District Revenue Officer,
Dharmapuri District,
Dharmapuri Collectorate Complex,
Dharmapuri -5.

3.The State Rep. by
The Inspector of Police,
Morappur Police Station,
Dharmapuri District.
(Crime No.126/2018)

4.Samikannu (M/A 45 years)
S/o.Kandan

5.Kumar (M/A 43 years)
S/o.Therththaan



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6.Vimalan (M/A 48 years)
S/o.Palani

7.Kannan

8.Therthagiri

9.Murugan

10.Samikkannu

11.Ayyakannu

12.Varadhan

13.Adimulam

14.Jayaseelan

15.Gnanam

Respondents No.4 to 15 are residing at
Mottaiyampatti Village,
Harur Taluk,
Dharmapuri District.

... Respondents

Prayer: Petition filed under Section 397 r/w.401 of Criminal Procedure Code against the final order dated 25.09.2018 of the learned Sub Divisional Executive Magistrate, Harur, Dharmapuri District made in Na.Ka.No.4204/2018/A3 under Section 145 of the Criminal Procedure Code, restraining the Petitioners herein when the Civil Suit in O.S.No.78 of 2018 on the file of learned District Munsif's Court, Harur, Dharmapuri District is pending adjudication in the earliest point of time as earlier as 13.08.2018 with regard to declaration of title and permanent injunction as against the "B" party



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with regard to schedule mentioned property.

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For Petitioner : Mr.G.Saravanan

For Respondents : Mr.V.J.Priyadarsana (for R1 to R3)
Government Advocate

Mr.R.Ezhilarasan (for R4 to R6)

O R D E R

This Revision Petition has been filed against the order dated 25.09.2018 of the learned Sub Divisional Executive Magistrate, Harur, Dharmapuri District made in Na.Ka.No.4204/2018/A3 under Section 145 of the Criminal Proceedure Code.

2.Learned counsel for the Petitioner submitted that in the impugned order certain findings have been rendered and direction has been passed against the Petitioner herein. As against the said order, Appeal has also been filed and the same is pending before the District Revenue Officer, Dharmapuri.

3.After going through the impugned order, I find that it is only of interim nature and Appeal is now pending before the District Revenue Officer, Dharmapuri.



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4.Learned counsel for the Petitioner draw my attention to the fact that the learned Sub Divisional Executive Magistrate, Harur, Dharmapuri District in proceedings under Section 145 of the Criminal Procedure Code, determined the rights of the parties de hors the pendency of the civil suit in O.S.No.78 of 2018, before the competent civil Court.

5.Hence, it is hereby made clear that the so called finding the of the learned Sub Divisional Executive Magistrate, Harur, Dharmapuri District, is only an observation, not ground to finding the title and parties are left open to approach the civil Court. Therefore, the learned District Munsif, Harur, Dharmapuri shall pass appropriate orders in O.S.No.78 of 2018, within a period of three months from the date of receipt of a copy of this order.

6.With these observations, this Revision Petition is closed.
Consequently, connected Miscellaneous Petition is also closed.

06.06.2023

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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To

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1.The learned District Munsif,
Harur, Dharmapuri.

2.The Public Prosecutor,
High Court,
Chennai.



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RMT.TEEKAA RAMAN.J,

sai

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