



Crl.R.C.(MD).No.530 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT.

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Dated : 12.12.2023

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C(MD).No.530 of 2019
and
Crl.M.P.(MD).No.6816 of 2019

Loganathan

... Petitioner

Vs.

1.Vasudevan

2.Ramnachandran

... Respondents

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records and set aside the order dated 12.10.2018 passed in Crl.M.P.No.6069 of 2018, on the file of the learned Judicial Magistrate No.2, Kumbakonam.

For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.K.Chengiz khan for R1

: Mr.G.Gomathi Sankar for R2



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ORDER

This Criminal Revision Case has been filed by the petitioner as against the order made in Cr.M.P.No.6069 of 2018 by the learned Judicial Magistrate No.2, Kumbakonam, dated 12.10.2018.

2.The petitioner is claiming as a cultivating tenant of the second respondent that he is cultivating the land of the second respondent and also raising crops. At the relevant point of time, the Government intended to acquire the land and issued notice as per the land Acquisition Act. In the said process, without issuing notice to the petitioner, the land was acquired and the compensation was granted to the second respondent. According to the petitioner, the authorities, namely, the first respondent, the Government without issuing notice to the occupier of the land, acquired the land and granted compensation to the second respondent. In the said circumstances, the petitioner filed a private complaint in Cr.M.P.No.6069 of 2018 before the learned Judicial Magistrate No.2, Kumbakonam, to take action against the respondents herein. On 12.10.2018, the learned trial Judge has dismissed the petition filed by the petitioner stating that the first respondent is the Government. Hence, if the petitioner has to make the complaint against the



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first respondent for his work, he has to obtain sanction under Section 197 of Cr.P.C., The petitioner has not obtained the same to make complaint against the petitioner. Apart from that, the learned trial Judge has considered Section 33 of the Land Acquisition Act. Challenging the same, the petitioner has filed this Criminal Revision Case before this Court.

3. The learned counsel for the petitioner submitted that as per the Act, duty of the first respondent was to issue notice to the cultivating tenant and call for an explanation before having granted compensation to him. Since he has already raised crops, he is entitled to compensation. But, the first respondent has granted compensation to the second respondent, who is the land lord of the petitioner's land. Without following the procedure in accordance with law, the first respondent has granted compensation to the second respondent. Hence, he is liable to be prosecuted.

4. The second respondent has made a letter to the land acquisition authorities claiming the compensation.



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5. This Court considered the order passed by the learned trial Judge and the complainant's averment made in the petition.

6.The petitioner has claimed himself as a cultivating tenant of the second respondent. The second respondent's land was acquired by the first respondent and the first respondent has disbursed the compensation to the second respondent. Therefore, the petitioner had grievance that he was not provided any compensation as a cultivating tenant and made the criminal complaint. The learned trial Judge, dismissed the petition on the ground that the first respondent has disbursed the compensation as per the Act, and also the same was in the course of the discharge of official duty and hence, sanction under Section 197 Cr.P.C., is required. Apart from that, as per the provision of the Land Acquisition Act, the petitioner has a right to submit the application to refer the matter to the Court for getting the compensation by making rival claim. This Court finds neither perversity nor infirmity in the said reasoning of the learned trial Judge. Hence, this Court inclines to dismiss the revision.



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7. Accordingly, this Criminal Revision Case stands dismissed and the order passed by the learned Judicial Magistrate No.2, Kumbakonam in Cr.M.P.No.6069 of 2018 dated 12.10.2018, is hereby confirmed. Consequently, connected Criminal Miscellaneous petition is also closed.

12.12.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
sbn

To

- 1.The Judicial Magistrate No.2,
Kumbakonam.
2. The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN, J.

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