



Crl.R.C.(MD).No.773 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated:23.08.2023

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC.(MD).No.773 of 2023

and

Crl.M.P.(MD).No.10458 of 2023

Chinnadurai

... Petitioner

Vs.

1.The I Class Sub Divisional Executive
Magistrate cum Revenue Divisional Officer,
Tiruchendur.

2.The Inspector of Police,
Tiruchendur Taluk Police Station,
Thoothukudi District.

3.Ramesh Kumar

4.Ravisundaram

5.Esakki Muthu

6.The Deputy General Manager,
Indian Oil Corporation Ltd.,
Madurai Divisional Office No.2,
Race Course Road, Chokkikulam,
Madurai.

... Respondents

***(R6 is Suo motu impleaded as per order dated 24.07.2023 in Crl.R.C.
(MD).No.773 of 2023 by KKRKJ)***



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PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the entire records pertaining to the order passed by the first respondent vide proceedings in கு.வி.ந.ச.அ. 3/1959/2023 (M.C.No.249 of 2023) dated 04.07.2023 under Section 145 of Cr.P.C and set aside the same.

For Petitioner : Mr.R.Anand

For respondents : Mr.M.Vaikkam Karunanithi
Government Advocate CrI.Side
R1 and R2

: Mr.N.Pragalathan for R3

: Mr.K.Muraleedharah for R6

ORDER

This Criminal Revision Case has been filed against order passed by the first respondent vide proceedings in கு.வி.ந.ச.அ. 3/1959/2023 (M.C.No.249 of 2023) dated 04.07.2023 under Section 145 of Cr.P.C



2. The petitioner is the owner of the property in Survey No. 153/2A1 of the Veerapandiyapattinam village, Thiruchendur Taluk. He entered into an agreement with the newly impleaded party namely the Deputy General Manager, Indian Oil corporation for conducting the petroleum outlet. The Indian Oil Corporation, granted license to the said petroleum outlet to the third respondent under the category of the SC and ST reserved outlet.

3. According to the petitioner, he entered into an agreement and also produced number of documents to prove that he is running the petrol bunk. Even though the license was granted in the name of the third respondent, the third respondent caused some disturbance to the petitioner, which resulted in passing the impugned order by the first respondent dated 04.07.2023. In the impugned order, the first respondent made a detailed discussion and found that the license was granted in favour of the third respondent and he is running the petroleum bunk in accordance with law and also the document evidence also shows his enjoyment. The petitioner is the owner of the site only and he has no role in the running of the petroleum bunk. But the petitioner said to have



interfered with the possession of the third respondent and caused public disorder. Hence, the impugned order was passed by the first respondent, after conducting the enquiry on the basis of the report submitted by the second respondent. Challenging the same, he filed the criminal revision case.

4. Even though the license stood in the name of the third respondent, he is running the petrol bunk under the separate contract entered into the said petrol bunk has been running by him as on date. The authorities, after considering the entire evidence and entire pleadings, made a detailed discussion and found that the third respondent is entitled to run the petroleum outlet and nobody has any right over the possession and enjoyment of the petrol bunk except the petitioner. Hence, the first respondent passed the impugned order restraining the petitioner to interfere with the possession of the petroleum bunk.

5. This Court considered the rival submission made on either side and perused the materials available on record.



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6. Considering the above submission of the learned counsel for the petitioner, this Court is of the opinion that the third respondent is the license holder. Hence, he is entitled to run the petrol bunk. This Court finds no perversity in the said findings of the first respondent. At this juncture, the petitioner submitted that he already filed a writ petition seeking a relief to run the petroleum outlet. The authority also gives the finding that there was a livelihood of breach of peace, on the basis of the report furnished by the respondent police.

7. The first respondent correctly passed the impugned order under Section 145 of Cr.P.C., by following due procedure. The grievance of the petitioner is to be redressed before the appropriate forum. Hence, this Court is inclined to dispose this revision with the following directions:

i) both the parties are directed to agitate their grievance before the competent forum without placing reliance on the order passed by the first respondent. The first respondent's observation and the finding is not binding the petitioner and the third respondent before some other forum, where the issue is to be raised.



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ii) The order passed by the first respondent is confirmed with the above observation.

23.08.2023

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

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K.K.RAMAKRISHNAN, J.

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CrI.RC.(MD).No.733 of 2022

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