



Crl.R.C(MD)No.863 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2023

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

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Syed Bava (Died) ... Revision Petitioner/Petitioner

Sharmila ... Petitioner/Legal heir of the
deceased Petitioner

(The petitioner/legal heirs of the deceased
petitioner substituted as per the order of this
Court in Crl.M.P(MD)No.10296 of 2022, dated 30.08.2022)

Vs.

1.The Sub-Divisional Magistrate cum
Revenue Divisional Magistrate,
Pattukkottai,
Thanjavur.

2.The Executive Officer,
Neelakanda Pilayarkovil,
Peravoorani Taluk,
Thanjavur District. ... Respondents

PRAYER: Criminal Revision Case filed under Section 397 and 401 of the Code of Criminal Procedure, to set aside the order passed in Na.Ka.No.3959/2016/A3, dated 27.10.2016 on the file of the Sub Divisional Magistrate cum Revenue Divisional Officer, Pattukkottai, Thanjavur.



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For Petitioner : Mr.V.Illanchezian
For R – 1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)
For R – 2 : Mr.V.S.Kumaraguru

ORDER

This Revision has been filed to set aside the order passed in Na.Ka.No.3959/2016/A3, dated 27.10.2016, on the file of the Sub Divisional Magistrate cum Revenue Divisional Officer, Pattukkottai, Thanjavur, thereby directing the parties to maintain status quo in the proceedings initiated under Section 145 of Cr.P.C.

2.The learned counsel appearing for the petitioner would submit that the subject property comprised in Survey No.142/10A2 situated at No.28, Nattanikottai Village, Peravoorani Taluk, Thanjavur District, belonged to one Packrisamy Thevar, who got the property by way of partition deed, dated 10.08.1965. Patta was also issued in his favour as Patta No.39. Subsequently, after his demise, his son Balu sold the property by registered sale deed, dated 16.08.1993 in



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favour of the deceased petitioner's wife Fathima Beevi and one A.Fousiya.

3. On 15.12.2012, by the proceedings of the Sub Division and mutation, the Tahsildar, Peravoorani Taluk subdivided the said property into Survey Nos.142/10A1 and 142/10A2. The subdivided property comprised in Survey No. 142/10A1 was allotted in favour of the said A.Fousiya to an extent of 0.4.5 ares and the other sub-divided property comprised in Survey No.142/10/A2 was allotted to the deceased petitioner's wife Fathima Beevi to an extent of 0.5 ares. Thereafter, the deceased petitioner's wife is in peaceful possession and enjoyment of the said property. However, on the complaint lodged by the second respondent herein, it was referred before the first respondent for initiation of proceedings under Section 145 of Cr.P.C. The first respondent, without considering the fact that the deceased petitioner's wife is in possession and enjoyment of the subject property, ordered to maintain status quo.



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4.Heard the learned counsel appearing on either side and perused the materials available on record.

5.On a perusal of the records revealed that the patta issued in favour of the said Packrisamy Thevar was under challenge before the District Revenue Officer, Thanjavur. Therefore, the first respondent, till the disposal of the appeal filed by the second respondent, directed the parties to maintain status quo in respect of the subject property. However, even till today, there is no final order passed by the first respondent in the appeal filed by the second respondent.

6.In view of the above, it would be appropriate to direct the District Revenue Officer, Thanjavur, to consider the appeal filed by the second respondent, as against the patta issued in favour of Packrisamy Thevar in respect of the subject property, if any, and dispose of the same within a period of twelve weeks from the date of receipt of a copy of this order, if not already disposed of. It is also made clear that the



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petitioner/Sharmila, being the legal heir of the deceased petitioner's wife-Fathima Beevi, is in possession and enjoyment of the subject property. Therefore, the parties are directed to maintain status quo till the disposal of the appeal filed by the second respondent.

7. Accordingly, this Criminal Revision Case is disposed of.

10.03.2023

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

To

1. The Sub-Divisional Magistrate cum
Revenue Divisional Magistrate,
Pattukkottai,
Thanjavur.
2. The Executive Officer,
Neelakanda Pilayarkovil,
Peravoorani Taluk,
Thanjavur District.



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G.K.ILANTHIRAIYAN, J.

ps

Order made in
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10.03.2023