



Crl.R.C.(MD)No.343 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 16.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C.(MD)No.343 of 2017

and

CrI.M.P.(MD)No.3354 of 2017

Anbuselvan

... Petitioner/B-Party

vs.

1.The Executive Magistrate cum Revenue Divisional Officer,
Kulithalai Taluk, Karur District.

2.State Rep. by
The Inspector of Police,
Kulithalai Police Station,
Karur District.
Crime No.506 of 2016

... Respondents/Complainants

3.Chandrasekar

4.Manikandan

5.Sathiskumar

6.Tamilselvi

7.Kanna

8.Kannammal

9.Shanmugasundaram

10.Kumar

... Respondents/A-Party



PRAYER : This Criminal Revision Case has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records relating to proceedings of the first respondent in Na.Ka.No.A3/4333/2016, dated 01.03.2017 and to set aside the same.

For Petitioner : Mr.K.Govindarajan

For R1 & R2 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. side)

For R3, R5 to R8 : Mr.J.Anandkumar

For R4 : No Appearance

ORDER

This Criminal Revision Petition has been filed challenging the order of the first respondent in Na.Ka.No.A3/4333/2016, dated 01.03.2017. By the impugned order dated 01.03.2017, the first respondent, directed the parties not to enter into the property comprised in S.No.362/1A New S.No.469/1 and also directed the parties to approach the civil Court by filing a suit seeking declaration of title in their favour, since both the parties are claiming title over the property.

2.The learned counsel for the petitioner would submit that after completion of enquiry, dated 20.01.2017, the first respondent received a report from the Tahsildar, Kulithalai, dated 17.02.2017. Thereafter,



without giving any opportunity to the petitioner and based on the report submitted by the Tahsildar, Kulithalai, the first respondent has passed the impugned order, directing both the parties not to enter into the property, since the property is classified as Arasu Poromboke. Thereafter, the third respondent herein filed a suit in O.S.No.48 of 2021 on the file of the District Munsif Court, Kulithalai for declaration in respect of the very same property and the same is pending for trial.

3.A perusal of the impugned order in this revision revealed that the first respondent held that the said property as a Government Poromboke/Natham and therefore, both the parties are not eligible to claim any title over the property and since both the parties claim title over the property, they were directed to approach the civil Court for appropriate relief seeking declaration of title in their favour and both the parties were directed not to enter into the property.

4.Admittedly, the third respondent herein has put up construction and she is residing there. As far as the petitioner is concerned, he is having a sale deed in their favour and claiming title over the property. Therefore, the third respondent herein filed a suit for declaration and it is pending. Hence, this Court finds no infirmity or illegality in the order



passed by the first respondent. Therefore, the revision is liable to be dismissed. Accordingly, it is dismissed. However, subject to the result of the suit filed by the third respondent herein, the petitioner is at liberty to approach the revenue officials for appropriate relief in the manner known to law. However, the trial Court shall dispose of the suit on merits and in accordance with law without influence of any findings recorded by the first respondent. Consequently, connected miscellaneous petition is closed.

16.03.2023

sjj

NCC : Yes/No

Index: Yes/No

Internet: Yes/No

To

- 1.The Executive Magistrate cum Revenue Divisional Officer,
Kulithalai Taluk, Karur District.
- 2.The Inspector of Police,
Kulithalai Police Station,
Karur District.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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