



WEB COPY



Crl.RC.No.211 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2024

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

Crl.RC.No.211 of 2024

Selvaraj

...Petitioner

Vs.

1. The Executive Magistrate cum The Revenue Divisional Officer,
Alathur Taluk, Perambalur District.
2. The Tahsildar,
Chettikulam Village,
Alathur Taluk, Perambalur District.
3. The Inspector of Police,
Padalur Police Station,
Padalur, Perambalur District.

...Respondents

Criminal Revision case filed under Section 397 r/w. 401 of Cr.P.C to call for the records in connection with the impugned order dated 09.01.2024 in Na.Ka.A4/5296/2023 on the file of the 3rd respondent and to set aside the same as null and void.

For Petitioner : Mr.N.Shanmuga Thayumanavan

For Respondents : Mr.A.Gopinath, GA (Crl. Side)



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ORDER

This Criminal Revision case has been filed seeking quashment of the order of the 1st respondent dated 09.01.2024 made in Na.Ka.A4/5296/2023.

2. The case of the petitioner is that, one Durairaj and adjacent land owners filed petitions dated 20.11.2023 and 28.11.2023 before the revenue officials alleging that, the petitioner and other owners of the lands comprised in S.Nos.328/1A1, 328/1C and 328/1E situated at Chettikulam Village are obstructing the pathway which runs along the lands comprised in S.Nos.328 to 314 of the said village, due to which, there arose some law and order problems. Pursuant to the same, the 1st respondent, after conducting enquiry, vide impugned order dated 09.01.2024 ordered for removal of obstructions made in the disputed pathway and ordered for status quo, despite the fact that the suits filed by the petitioner as well as the said Durairaj are pending, which is not sustainable and pending the suits, the revenue officials have no authority to interfere with the disputed suit property. Challenging the same, the petitioner has filed this Revision.



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WEB COPY 3. Heard learned counsel on either side and perused the material documents placed on record.

4. Though very many grounds have been raised by the learned counsel for the petitioner against the impugned order, however, it is not disputed by the parties that suits filed by the petitioner as well as the said Durairaj in O.S.No.728 of 2023 and O.S.No.298 of 2018 respectively with regard to the usage of pathway are pending before the concerned Court and it is equally not in dispute that no interim or restraint order has been passed in the said suits. Hence, in the absence of any restraint order, the revenue officials, in order to avoid law and order problems, passed the present impugned order ordering for removal of obstructions made in the disputed pathway and directed the parties to maintain status quo till the disposal of the above said suits.

5. That being the case, this Court cannot pass any affirmative order in favour of the petitioner. Therefore, the revenue officials are directed to



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remove the obstructions made in the disputed pathway, enabling the parties to use the same. However, it is made clear that the impugned order passed by the authority with regard to the usage of pathway will be subject to the outcome of the pending suits.

6. For the reasons aforesaid, this Criminal Revision case stands dismissed.

26.07.2024

skt

NCC : Yes/No
Index : Yes/No
Speaking order : Yes/No

To

1. The Executive Magistrate cum The Revenue Divisional Officer,
Alathur Taluk, Perambalur District.
2. The Thasildar,
Chettikulam Village,
Alathur Taluk, Perambalur District.
3. The Inspector of Police,
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4. The Public Prosecutor,
High Court, Madras.

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M.DHANDAPANI, J.

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