



CrI.R.C.No.346 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**CrI.R.C.No.346 of 2024
and
CrI.M.P.No.3213 of 2024**

Rani
W/o.Mannu

... Petitioner

Vs.

1. The Sub Divisional Administrative Magistrate-cum-
Revenue Divisional Officer,
Harur,
Dharmapuri District.
2. The Inspector of Police,
Harur Police Station,
Dharmapuri District.
3. Jayaraman
S/o.Rangasamy
4. Sivanesan
S/o.Sekar



Crl.R.C.No.346 of 2024

5. Manivannan
S/o.Sekar

6. Kanaga
W/o.Sekar

7. Chinnapattu
D/o.Sekar

... Respondents

PRAYER : Criminal Revision Petition filed under Section 397 r/w. 401 of Cr.P.C., to set aside the impugned proceedings dated 06.02.2024 in Moo.Mu.No.5437/2023/A3, passed by the first respondent and to allow the above criminal revision.

For Petitioner	:	Mr.C.Prabakaran
For Respondent	:	Mr.A.Gopinath Government Advocate (Crl.Side) for R1 and R2

O R D E R

The criminal revision is filed, challenging the order, dated 06.02.2024 passed in Moo.Mu.No.5437/2023/A3 by the first respondent.

2. The property in question originally belongs to the petitioner's father. Subsequent to family partition, the petitioner's brother, namely, Vijayaraj was allotted certain properties for which he has obtained patta and



Crl.R.C.No.346 of 2024

has been in continuous possession and enjoyment of the said properties.

While so, one Jayaraman, making an false claim in the aforesaid properties had filed suit in O.S.No.104 of 2013 against the said Vijayaraj which was dismissed by the District Munsiff Court, Harur by way of decree and judgment dated 18.07.2018. Thereafter, the petitioner's brother Vijayaraj sold the property in favour of the petitioner for a valid sale consideration and the sale deed was registered vide Document No.6316/2021 dated 28.12.2021 on the file of the Sub Registrar Office, Harur. Subsequently, the revenue records were mutated in favour of the petitioner.

3. While the matter stood thus, the said Jayaraman had managed to obtain forged patta in his favour and made a false claim again. Though the said Jayaraman lost in the suit, he filed an appeal in A.S.No.34 of 2019 before the Sub Court, Harur. On knowing of the same, the petitioner made an appeal before the Revenue Divisional Officer, Harur, following which, the forged patta issued in favour of the said Jayaraman was cancelled by order dated 03.02.2023 and fresh patta was issued in favour of the petitioner.



Crl.R.C.No.346 of 2024

WEB COPY

At this juncture, on 19.11.2023, the said Jayaraman along with eight other persons trespassed into the property of the petitioner and put up a shed with tin sheet. Therefore, the petitioner lodged a complaint before the second respondent Police and enquiry was conducted wherein the third respondent / Jayaraman gave an undertaking before the second respondent Police to remove the shed. However, he did not honoured the undertaking and continued to trespass on the property. With respect to the said issue, FIR in Crime No.674 of 2023 was registered under Section 145 of Cr.P.C. It is also pertinent to note that the private respondents have a rival claim over the properties and also stated that the suits in O.S.No.175 of 2013, A.S.No.34 of 2018 and O.S.No.151 of 2013 were pending before the Civil Courts. Upon hearing the parties, the first respondent passed the impugned order dated 06.02.2024 stating that since the matter is pending before the Civil Court, no construction should continue in the subject matter of the land until the matter is decided by the Civil Court. Aggrieved by the said status quo order, the present criminal revision has been filed.

4. The learned Government Advocate appearing for the



Crl.R.C.No.346 of 2024

WEB COPY

respondents 1 and 2 submitted that admittedly the suits were pending between the petitioner and the private respondents and the same has to be ventilated before the civil Court and not before this Court.

5. This Court carefully considered the submissions made by the learned counsel appearing for the petitioner and the learned Government Advocate appearing on behalf of the respondents 1 and 2 and perused the materials placed before this Court.

6. Considering the facts and circumstances of the case and the order passed by the first respondent / Revenue Divisional Officer, it is clear that there are claims and counter claims with respect to the subject property by the petitioner as against the private respondents and vice versa. Though O.S.No.104 of 2013 was decreed in favour of the petitioner's brother, the said Jayaraman, i.e., third respondent herein has filed an appeal in A.S.No.34 of 2019 which is pending. That apart, O.S.Nos.151 and 175 of 2013 filed by the private respondents making counter claims with respect to the subject



Crl.R.C.No.346 of 2024

property are also pending. Discussing all these aspects, the first respondent / Revenue Divisional Officer has rightly ordered status quo and also passed a restrained order restricting both the parties to interfere upon the properties until final conclusion is arrived at in the civil suits. Hence, I do not find any reasons to interfere with the order passed by the first respondent / Revenue Divisional Officer which seems to be a well reason one.

7. Accordingly, this Criminal Revision Case is dismissed. However, liberty is granted to the petitioner to workout her remedy in the manner known to law. The impugned order is subject to the result of the suits filed by the petitioner as well as the private respondents. Consequently, connected miscellaneous petition is closed.

30.07.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji



Crl.R.C.No.346 of 2024

To

WEB COPY

1. The Sub Divisional Administrative Magistrate-cum-
Revenue Divisional Officer,
Harur,
Dharmapuri District.
2. The Inspector of Police,
Harur Police Station,
Dharmapuri District.
3. The Public Prosecutor,
Madras High Court.



WEB COPY



Crl.R.C.No.346 of 2024

M.DHANDAPANI, J.

vji

**Crl.R.C.No.346 of 2024
and
Crl.M.P.No.3213 of 2024**

30.07.2024