



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.07.2024

CORAM:
THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

Crl.RC.No.355 of 2024
and
Crl.M.P.No.3256 of 2024

J.Meygandadhevan

...Petitioner

Vs.

1. The Sub-Divisional Executive Magistrate and
Revenue Divisional Officer,
Mannargudi,
Thiruvarur District.

2. The Inspector of Police,
Perungavazhanthan Police Station,
Thiruvarur District.

3. Baskar

...Respondents

Prayer: Petition filed under Sections 397 and 401 of Code of Criminal Procedure to call for the records relating to the proceedings bearing Na.Ka.A3/5247/2022 dated 24.01.2024 under Section 145 of the Code of Criminal Procedure on the file of the first respondent, set aside the same.

For Petitioner : Mr.K.Selvakumaraswami
For Respondents : Mr.L.Chandrakumar and
Mrs.N.R.Jasmine Padma for R3
Mr.A.Gopinath, GA for R1 and R2



ORDER

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The present criminal revision has been filed to set aside the proceedings of the first respondent bearing Na.Ka.A3/5247/2022 dated 24.01.2024 under Section 145 of the Code of Criminal Procedure.

2. It is the case of the petitioner that with regard to the land dispute between the petitioner and the third respondent, a suit and a counter suit seeking specific performance have been filed by both the parties on the file of the District Munsif Court, Mannargudi and the Sub-Court Mannaguri in O.S.Nos.33 of 2022 and O.S.No.97 of 2022 respectively. Though the suits filed by the parties are still pending before the civil Court, the first respondent has passed an impugned order dated 24.01.2024 granting status quo, as if the third respondent is the owner of the disputed land. Challenging the same, the present revision has been filed.

3. Though very many grounds have been raised in the above criminal revision, the learned counsel appearing for the petitioner submitted that during the pendency of the aforesaid suits with regard to the subject land,



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the first respondent has no locus standi to decide the issue. Hence, he prayed to set aside the impugned order passed by the first respondent.

4. The learned Government Advocate appearing for the respondents 1 and 2 submits that this Court vide order dated 25.07.2024, issued a direction to the first respondent to appear before this Court on 29.07.2024 while raising a question to the learned Government Advocate that when there are no restraint orders in the above said suits, as to how the first respondent has granted *status quo* to an individual by usurping the power of the civil Court. Pursuant to the order passed by this Court, the first respondent appeared before this Court on 29.07.2024 (today) and submitted that she will withdraw her impugned order. Hence, the impugned order passed by the first respondent may be set aside.

5. Heard the learned counsel for the petitioners and the learned counsel for the third respondent and perused the materials placed on record.

6. As per the order passed by this Court, the first respondent



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appeared before this Court and submitted that she herself realized her mistake for passing the impugned order when there are no restraint orders in the aforesaid suits and is ready to withdraw the impugned order. Recording the same, the impugned proceedings dated 24.01.2024 bearing Na.Ka.A3/5247/2022 passed by the first respondent is set aside. It is made clear that the impugned order passed by first respondent will not stand in the way of the petitioner to establish his rights where the civil suits are pending.

7. Accordingly, the criminal revision petition is allowed in above terms. No costs. Consequently, connected miscellaneous petition is closed.

29.07.2024

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



To

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1. The Sub-Divisional Executive Magistrate and
Revenue Divisional Officer,
Mannargudi,
Thiruvarur District.
2. The Inspector of Police,
Perungavazhathan Police Station,
Thiruvarur District.



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M.DHANDAPANI, J.

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