



Crl.R.C.No.860 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2024

CORAM:

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

Crl.R.C.No.860 of 2024
and Crl.M.P.No.7569 of 2024

Indirani

.....Petitioner

Vs.

1. The Sub Divisional Magistrate-
Cum-Revenue Divisional Officer,
Coimbatore South,
Coimbatore.

2.The Inspector of Police,
E-1, Singaanallur Police Station,
Coimbatore.

3.Subramaniyan

4. Maruthachalam

5. Thangavelu

6.Senthilkumar

7.Govindaraj

8.Dhandapani

9. Sivanandam

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10.Kumar

11.Manguthai

12.Padmavathi

13.Amirtham

14.Sundarasamy

15.Jagadeesan

16. Kavitha

17.Dharmalingam.

...Respondents

PRAYER: Criminal Revision Petition filed under Sections 397 and 401 of Cr.P.C., to set aside the order dated 14.09.2023 in Proceedings No.Pa.Mu.742/2020/A1 on the file of the Sub Divisional Magistrate Court, Revenue Divisional Officer, Coimbatore South, Coimbatore.

For Petitioner : Mr.T.Saikrishnan

For Respondents : A.Gopinath for R1 and R2
Govt.Advocate (Crl.Side)

ORDER

This petition has been filed to set aside the order dated 14.09.2023 in Proceedings No.Pa.Mu.742/2020/A1 on the file of the Sub Divisional Magistrate Court, Revenue Divisional Officer, Coimbatore South,

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Coimbatore.

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2. Learned Counsel for the petitioner would submit that the petitioner is the owner of the property situated in Survey No.422/1A3P. Adjacent to the property, the land comprised in S.No.422/1 at Uppilipalaiyam Village is originally purchased by one Sundarasamy from two persons namely one Ramakrishnan son of Chninnasamy and Manguthaai wife of Ponnusamy vide registered sale deed Doc.No.143 of 1991 at Office of the Sub Registrar, Singaanallur. The petitioner is the owner of the subject land under the gift settlement deed dated 08.12.2008 vide Doc.No.10468 of 2008 executed by the said Sundarasamy, who is the husband of the petitioner and he has absolute title and possession of the property from the year 1991 itself and duly paying the property tax to the municipality. Such being the position, one Dharmaraj is the tenant of the schedule mentioned property and when Sundarasamy transferred the suit property in favour of his wife, Dharmaraj continued as a tenant under the petitioner. When the petitioner evicted the tenant to construct a house and attempted to put up barbed wire fence, the respondents objected the same by stating that they have purchased the

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property on 14.07.2010 under document in Doc.No.5607/2010 and gave police complaint before the Singanallur Police Station. Since the respondents trying to remove the fencing, the Police officials advised the petitioner to get relief of declaration and permanent injunction. Thereby, the petitioner had filed a suit in O.S.No.106 of 2020 and the same is pending.

(ii). In the meanwhile, the Deputy Inspector, Town Survey Unit-II, Coimbatore issued a survey notice dated 10.02.2000 to measure the subject property. Thereafter, Sub Divisional Magistrate Court, the Revenue Divisional Officer Official, Coimbatore issued a proceedings dated 14.09.2023 holding that the property belongs to temple based on the nominal gift deed executed by the legal heirs of Ramakrishnan vide Doc.No.5607 of 2010 dated 14.07.2023. Aggrieved by the same, the present petition has been filed by the petitioner.

3. This Court gave its anxious consideration to the submission advanced by the learned counsel for the petitioner and perused the materials available on record.

4. Considering the *prima facie* case that there is property dispute



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between the petitioner and the respondents and also the fact that the petitioner had filed a suit in O.S.No.106 of 2020, the issue may be agitated before the Civil Forum. Therefore, liberty is granted to the petitioner to file a appropriate petition before the Civil Form in the manner known to law.

5. With the above observation, this Criminal Revision Case is dismissed. Consequently connected miscellaneous petition is closed.

11.06.2024

msv

Index : Yes/No
Speaking Order : Yes/No
NCC : Yes/No
To

1. The Sub Divisional Magistrate-
Cum-Revenue Divisional Officer,
Coimbatore South,
Coimbatore.
2.The Inspector of Police,
E-1, Singaanallur Police Station, Coimbatore.

M.DHANDAPANI,J.

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