



Crl.O.P.No.8782 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.8782 of 2022

and

Crl.M.P.No.5106 of 2022

Arulmigu Sagayamadha Church rep by its
Parish Priest Rev.Fr.Mariya Anbu,
Panruti Village, Thenneri,
Sriperumbudur,
Kancheepuram District.

... Petitioner

Vs.

1. The State of Tamil Nadu rep. by
Revenue Divisional Officer,
Sriperumpudur.

2.M.Elias

3.The Inspector of Police,
Oragadam Police Station,
Kancheepuram District.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C.,
praying to call for the records on the file of the first respondent made in
Na.Ka.265/2021/A1 dated 23.12.2021 and quash the same.



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For Petitioner : M/s.C.Selvi George
For R1 & R3 : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)
For R2 : Mr.S. Balasubramaniam

ORDER

This petition has been filed to quash the Na.Ka.265/2021/A1 dated 23.12.2021 on the file of the 1st respondent.

2. The learned counsel for the petitioner prayed to quash all the proceedings issued by the 1st respondent RDO on 16.09.2014 wherein he conducted enquiry between the petitioners, referred to as A-party and the 2nd respondent and others, referred to as the B-Party. The enquiry was conducted under Section 144 of CrPC to maintain law and order. Accordingly, both parties were called upon, and an enquiry was conducted regarding 80 cents in S.No.274/3 in Panruti Village. A complaint was lodged on 21.08.2014 and CSR also registered in CSR.Nos.264 /2014 & 268/2014. The police report was also perused. Thereafter, enquiry was conducted on 28.04.2010, during which both parties appeared and submitted their arguments.



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3. Upon hearing both sides, the RDO passed an order on 23.12.2021, directing both parties to maintain peace and refrain from entering the subject property until the Civil suit adjudication. Aggrieved, the A-party now approaches this Court.

4. The learned counsel for the petitioner submitted that the property originally belongs to Arulmigu Sagaya Madha charch, established by the Arch Diocese of Mylapore, Madras in 1979. One Fr.P.C.Thomas, the Parish Priest of this subject church purchased the land of 80 cents for religious purpose in Old Survey No.274 and New Survey No.274/3 Panruti village, Sriperumbudur Taluk. The 2nd respondent, who is also a member of the church, working as assistant, claimed to have purchased the property from Fr.P.C.Thomas, based on which he claims absolute right over the property. However, according to the petitioner, Fr.P.C.Thomas had no right to sell the property, as it originally belonged to the Church. Therefore, the claim of second respondent is erroneous. Additionally, the RDO's order not to enter into the property goes beyond the scope of the enquiry, and is therefore challenged by the petitioner.



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5. The learned counsel for the second respondent submitted that he purchased the property for valid consideration during the year 1979. Since, then, he has enjoyed absolute possession of the property. He argues that the petitioner has no right to interfere with his possession. To that effect he also mentions obtaining an interim order in O.S.No.154 of 2014 in I.A.No.441 of 2014.

6. It is admitted that the interim order was obtained on 01.07.2023 after filing of the petitions, and the petitioner was not aware of this order. However, the petitioner is given liberty to challenge the interim order. Since, the subject matter is under Civil dispute, the order passed by the RDO is erroneous as claimed by the A-party. The contention of the B-party / second respondent is that he is not in possession of the property, as rightly pointed out by the petitioner's counsel, and he obtained the interim order before the Civil Forum. Under such circumstances, the order of RDO is unwarranted one liable to be set aside.



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WEB COPY 7. Accordingly, this Criminal Original Petition is allowed.

Consequently, connected miscellaneous petition is closed.

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Index: Yes/ No

Neutral Citation: Yes/No

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To

- 1.The State of Tamil Nadu rep. by
Revenue Divisional Officer,
Sriperumpudur.
- 2.The Inspector of Police,
Oragadam Police Station,
Kancheepuram District.
- 3.The Public Prosecutor,
High Court of Madras.



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