



WP.No.10143 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

WP.No.10143 of 2024

and

W.M.P.No.11191 of 2024

1.R. Mohanraj
2.R. Shanmugasundaram

... Petitioners

Vs.

1. The Revenue Sub Divisional Magistrate
-Cum Sub- Collector
O/o.The Revenue Sub Divisional Magistrate
-Cum-Sub-Collector,
Pollachi, Coimbatore District.

2.K. Sumathi

3. A. Kasirajan

... Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, to quash the Order in M.C.No.40 /2023/Aal dated 23.02.2024 passed by the 1st respondent.

For Petitioner : Mr.B.Mohan

For Respondents : Mr.K.M.D.Muhilan for R1
Government Advocate (Crl.Side)



WP.No.10143 of 2024

ORDER

The petitioner herein who belongs to "B" party, being aggrieved by the proceedings of the Executive Magistrate dated 23.02.2024 is before this Court to quash the proceedings on the ground that there is already Civil Suits are pending regarding the pathway and enjoyment of the property. While so, two criminal cases are also been registered. In such circumstances, the Executive Magistrate under Section 145 of Cr.P.C conducted enquiry and pass an Order under Section 147 of Cr.P.C restraining the "B" party from disturbing A party from fetching water from the PAB Canal to irrigate their lands and this arrangement will continue till the disposal of the civil suits.

2. The learned counsel appearing for the petitioners states that in the pending civil dispute, interlocutory application is filed and no interim orders so far passed. Since the Civil Court has already ceased the matter, the Executive Magistrate has permitted the "A" party for fetching water.

3. This Court finds that the purpose of Section 145 of Cr.P.C is to be maintain public peace and law and order and if the parties are at loggerhead and already approached the Civil Court, they should not have resorted to take law into their own hands and get themselves involved in criminal action. The said circumstances, the Executive Magistrate with



WP.No.10143 of 2024

the power conferred on him has called both the parties and taking note of the facts has passed an order permitting the "A" party to draw water from the PAB Canal for their irrigation which they have been enjoying and also the disputed pathway must be used by both the parties.

4. The Thasildhar of Pollachi been directed to monitor the peaceful enjoyment of the property. This interim arrangement is only till the disposal of Civil Suit and the predominant intention of the Executive Magistrate is to maintain public peace and order.

5. In view of the above, this Court finds no error in it and it is also in accordance with fairness and natural justice. Hence, this Writ petition is dismissed as devoid of merits. No costs. Consequently, the connected miscellaneous petition is closed.

Vv

15.04.2024

To

1. The Revenue Sub Divisional Magistrate

-Cum Sub- Collector

O/o.The Revenue Sub Divisional Magistrate cum Sub-Collector,
Pollachi, Coimbatore District.



WEB COPY



WP.No.10143 of 2024

Dr.G.JAYACHANDRAN,J.

Vv

**WP.No.10143 of 2024
and
W.M.P.No.11191 of 2024**

15.04.2024