



Crl.R.C.No.1082 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2024

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.R.C.No.1082 of 2023

S.Sivakumar

... Petitioner

Vs.

1. The Second Class Executive Magistrate cum
Tahsildar,
Revenue Department,
Andimadam Taluk,
Ariyalur District.

2. The Inspector of Police,
Jayamkondam Police Station,
Ariyalur District.

3. Nethaji Subhash Chandraboe Elaingnar Narpani Mandram,
Rep. By its President,
Mr.B.Shanmugam,
Variyankaval Village & Post,
Andimadam Taluk,
Ariyalur District.

... Respondents

Prayer : Criminal Revision Petition filed under Section 397 r/w. 401 of Criminal Procedure Code, to set aside the impugned order passed in MC.No.51/2023/Aa1(145 Crl.P.C) dated 06.04.2023 on the file of the



Crl.R.C.No.1082 of 2023

first respondent, 2nd Class Executive Magistrate-cum-Tahsildar, Revenue Department, Andimadam and allow the Revision.

For Petitioner : Mr.R.Venkatesalu

For Respondent : Mr.A.Gopinath R1 & R2

Government Advocate (Crl. Side)

No appearance R3

ORDER

This Criminal Revision case has been filed seeking quashment of the order passed in MC.No.51/2023/Aa1(145 CrI.P.C) dated 06.04.2023 on the file of the first respondent, 2nd Class Executive Magistrate-cum-Tahsildar, Revenue Department, Andimadam.

2. The case of the prosecution is that the petitioner along with his village people made a resolution and started to build a Kaali Temple in Government "Anatheenam" land in S.No.236/8-0.07. Ares. The third respondent has made a complaint before the first respondent under Section 145(1) Cr.P.C. And the same was allowed in favour of the third respondent. Challenging the same, the present revision has been filed.



Crl.R.C.No.1082 of 2023

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3. The learned counsel for the petitioner submitted that the first respondent has no authority to initiate proceedings under Section 145 of Cr.P.C. And the land in S.No.236/8 is owned by the forefather of the petitioner and it is not the government land. Hence, this Court, without going into the merits of the case, may grant liberty to the petitioner to file a civil suit before the competent forum.

4. The learned Government Advocate submitted that the first respondent is the competent persons to decide the matter under Section 145 Cr.P.C. And the land which is involved in this case is a Government "Anatheenam" land. The first respondent has rightly considered the issue and passed orders, which does not warrant any interference.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Considering the facts and circumstances of the case and considering the limited request sought for by the petitioner, this Court



Crl.R.C.No.1082 of 2023

without going into the merits of the case, grants liberty to the petitioner to file a suit before the competent civil Court for establishment of the title and for construction of the temple in the said land.

7. With the above observation, this Criminal Revision Case is dismissed.

12.07.2024

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Index: Yes/No
Speaking/Non-Speaking order



Crl.R.C.No.1082 of 2023

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To

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Tahsildar,
Revenue Department,
Andimadam Taluk,
Ariyalur District.
2. The Inspector of Police,
Jayamkondam Police Station,
Ariyalur District.
3. The Public Prosecutor,
High Court of Madras.



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Crl.R.C.No.1082 of 2023

M.DHANDAPANI, J.

rli

Crl.R.C.No.1082 of 2023

12.07.2024