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W.P.No.31511 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.31511 of 2024
& W.M.P.Nos.34253 & 34254 of 2024

1. S.Arumugham.
2. Saranraj.
3. Ganesh.

... Petitioners

/versus/

1) The Taduk Administrative Magistrate/
The Revenue Tahsildar, Bhuvanagiri,
Bhuvanagiri Taluk,
Cuddalore District.

2) The Revenue Inspector,
Parangipettai,
Bhuvanagiri Taluk,
Cuddalore District.

3) The Village Administrative Officer,
Villianallur, Bhuvanagiri Taluk,
Cuddalore District.

4) The Inspector of Police,
Puduchatram Police Station,
Puduchatram, Bhuvanagiri Taluk,
Cuddalore District.

- 5) Mr.Ramamurthi S/o.Ulaganathan.
- 6) Mr.Munusami S/o.Pattu Chettiar.
- 7) Mr.Mandiramurthi S/o.Nallaperumal.
- 8) Mrs.Prema W/o.Kumar.



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9) Mr.Krishnamurthi S/o.Ayyaru.

10) Mr.Palanivel S/o.Chokkailingam.

... Respondents

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PRAYER: Writ Petition has been filed under Article 226 of Constitution of India, pleased to issue a Writ of Certiorari call for the records and quash the impugned proceeding of the 1st respondent in Na.Ka.A1/100/2024, dated 24.08.2024 and pass orders.

For Petitioners : Mr.D.Baskar

For R1 to R4 : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

ORDER

This Writ Petition is filed challenging the notice issued to the petitioners to participate in the enquiry based on the agitation carried on by the villagers opposing the petitioners for putting up construction in a disputed land.

2. The Learned Counsel for the petitioners states that the summons issued to participate in the enquiry is devoid of power and authority. Being a civil dispute, Revenue Authorities cannot interfere under the guise of breach of peace and therefore, summons has to be quashed.



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3. Pointing that the summons does not indicate under what Authority, the Tahsildar has issued the summon and calling the petitioner for enquiry, the Learned Counsel for the petitioners submits that the summons issued by Tahsildar dated 24.08.2024 to be quashed.

4. On perusal of the summons, this Court finds that the dispute is regarding ownership and enjoyment of piece of land bearing S.No.30/27 measuring 0.60.27 ares at Villianallur village. Claiming that the land belongs to one Kuluppai Ramasami Chettiar but encroached by Arumugham S/o.Sakkarapani summons been issued to the petitioners by the Tahsildar -cum- Executive Magistrate calling upon the petitioners herein to participate in the peace meeting.

5. The contention of the petitioners that the summons does not mention the provision under which it is caused. Therefore, same has to be quashed.

6. This Court finds that there is a civil dispute between the parties. If any incident which leads to disturbance to public peace, law and order, Executive Magistrate is empowered to call the parties concern for enquiry and



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conduct meeting to resolve the dispute and restore peace. Even in anticipation of disturbance to public peace and tranquility, Executive Magistrate is empowered to take necessary steps to prevent disturbance to public peace and tranquility. The said power cannot be questioned if it is exercised in accordance with law.

7. In the instant case, a piece of land upon which the petitioners wants to put up construction been opposed by the public claiming that the petitioners are not owner of the property. The Learned Counsel appearing for the petitioners submits that a civil suit is pending and in one suit the petitioners have succeeded and permanent injunction been granted in his favour and another suit regarding title is pending before the District Court, Cuddalore, in O.S.No.154 of 2021.

8. When there is an element of disturbance to public peace and tranquility, the Executive Magistrate is empowered to call the parties and ensure restoration of peace. Therefore, the summons issued by the Tahsildar, which is impugned in this Writ Petition, is legally sustainable. The parties concern has to participate in the peace meeting. The petitioners, if aggrieved by the order passed by the Tahsildar, can approach the appropriate forum if the



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order is not in accordance with law and procedure.

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9. With this observation, this *Writ Petition is dismissed*. No costs.

Consequently, connected Miscellaneous Petitions are closed.

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Index :Yes/No.

Internet :Yes/No.

Speaking Order/Non-Speaking Order
bsm

To,

1. The Taluk Administrative Magistrate/
The Revenue Tahsildar, Bhuvanagiri,
Bhuvanagiri Taluk, Cuddalore District.

2. The Revenue Inspector, Parangipettai,
Bhuvanagiri Taluk, Cuddalore District.

3. The Village Administrative Officer,
Villianallur, Bhuvanagiri Taluk,
Cuddalore District.

4. The Inspector of Police,
Puduchatram Police Station,
Puduchatram, Bhuvanagiri Taluk,
Cuddalore District.

5. The Public Prosecutor, High Court, Madras.



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Dr.G.JAYACHANDRAN,J.

bsm

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