



Crl.R.C.No.217 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.No.217 of 2025
and Crl.M.P.No.1642 of 2025

Shree Ramakodi Madalayam - President,
Ramkumar

... Petitioner

Vs

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

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

3. Chandrasekar
4. Nagaraj

... Respondents

PRAYER: Criminal Revision Case is filed under Section 438 read with 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order dated 10.01.2025 made in Pa.Mu.8937/2022/A1 on the file of the Sub-Divisional Magistrate cum Revenue Divisional Officer, Coimbatore South and consequently direct the respondents to lock open the gate by allowing this Criminal Revision Petition.



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For Petitioner : Mr.M.Mohamed Riyaz for
Mr.D.Lakshmipathy
For R1 and R2 : Mr.A.Gopinath
Government Advocate (Crl.side)
For R3 and R4 : Mr.D.Vivekanandan

ORDER

This Criminal Revision has been filed to set aside the order dated 10.01.2025 made in Pa.Mu.8937/2022/A1 on the file of the Sub-Divisional Magistrate cum Revenue Divisional Officer, Coimbatore South.

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

3. The petitioner lodged a complaint alleging that one Samanayakar originally owned a property to an extent of 8.63 acres in Survey No.627 situated at Singanallur Village, Coimbatore Taluk. Thereafter, on 07.10.1908, he had gifted the land ad-measuring one acre out of 8.63 acres to Shree Ramakodi Madam. The said Samanayakar had two sons viz., Gopalsamy Naidu and Thiruvengadasamy Naidu. Both sub-divided the remaining property comprised in Survey Nos.136, 137 and 140 to an extent of 3.81 ½ acres each in the total extent of 7.63 acres. Thereafter, the said Thiruvengadasamy Naidu had executed a gift deed in favour of the petitioner, vide Document No.416 of 1922, in



respect of 3.31 ½ acres out of 3.81 acres and retained 50 cents. Another brother viz., Gopalsamy Naidu had executed a sale deed dated 16.02.1932 in favour of one Venkatasamy Nayakar vide Document No.605 of 1932 in respect of his entire share. The said Venkatasamy Nayakar sold out the property to an extent of 3.64 acres out of 3.81 ½ acres to one Ellamal wife of Narasimmalu Naidu by the registered sale deed vide Document No.148 of 1943 with common right in the Well pertaining to half share comprised in Survey No.137. Therefore, the said Gopalsamy Naidu and Thiruvengadasamy Naidu totally gifted to an extent of 4.31 ½ acres in favour of the petitioner.

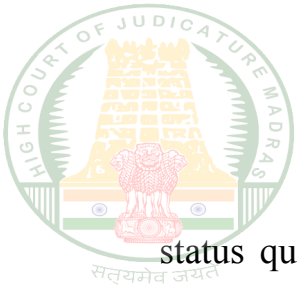
4. Thereafter, the Government of Tamil Nadu acquired the property for School to an extent of 23 cents in Survey No.136 and to an extent of 3.28 acres in Survey No.137/1, totally to an extent of 3.51 acres and also awarded compensation. Thereafter, further extent of 3.76 acres comprised in Survey No.140 was also acquired for the purpose of Government School playground. Therefore, the total extent of the property is 8.63 acres, in which one acre was gifted in favour of the petitioner and the Government had acquired 7.27 acres from the petitioner. Therefore, the entire extent of the property ad-measuring 3.64 acres purchased by the said Ellammal was already acquired by the Government and she had also received the entire compensation. After



acquisition, the petitioner is in possession and enjoyment of the land ad-measuring 1.18 acres. However, the respondents 3 and 4 are claiming to be the owner of the said property.

5. Therefore, the petitioner lodged a complaint before the second respondent to take appropriate action as against the respondents 3 and 4. It was forwarded to the first respondent to initiate proceedings under Section 164 of BNSS, 2023. The first respondent, after hearing the parties simply partitioned the property as if the petitioner is entitled to 18 cents and the respondents 3 and 4 are entitled to 18 cents comprised in S.No.137/2, Town Survey No.25, Block No.50, Ward No.35 (A1), Singanallur Village, Coimbatore.

6. The first respondent has no power to declare any title or to partition the property. The Civil Court only has got jurisdiction to grant such relief. Therefore, the impugned order cannot be sustained and is liable to be set aside. Accordingly, the order dated 10.01.2025 made in Pa.Mu.8937/2022/A1 on the file of the Sub-Divisional Magistrate cum Revenue Divisional Officer, Coimbatore South is hereby set aside. The petitioner and the respondents 3 and 4 are at liberty to approach the Civil Court for appropriate relief. In the meanwhile, the petitioner and the respondents 3 and 4 are directed to maintain



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status quo in respect of the property comprised in S.No.137/2, Town Survey
No.25, Block No.50, Ward No.35 (A1), Singanallur Village, Coimbatore.

7. Accordingly, this Criminal Revision Case is allowed.

Consequently, connected Miscellaneous petition is closed.

18.08.2025

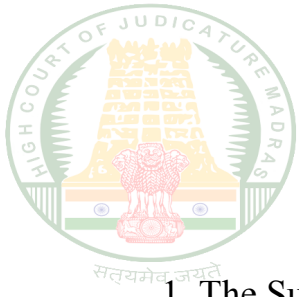
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cum Revenue Divisional Officer,
Coimbatore South,
Coimbatore.

2. The Inspector of Police,
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Coimbatore District.

3. The Public Prosecutor,
High Court, Madras.

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