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Crl.O.P.No.6282 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2025

CORAM:

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

Crl.O.P.No.6282 of 2025

V.Pichaikaran

... Petitioner

Vs

1. Revenue Divisional Officer,
Kallakurichi District,
Kallakurichi – 606 202.

2. The Tahsildar,
Sankarapuram,
Kallakurichi – 606 202.

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S., to call for the records and set aside the order given by the 1st Respondent, the Revenue Divisional Officer, Kallakurichi in Mu. Mu. A3/1239/2023 dated 10th July 2024 under Section 145 Cr.P.C.

For Petitioner : Mr.G.R.Hari

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



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ORDER

This petition has been filed challenging the order dated 10.07.2024 passed by the first respondent.

2. Heard the learned counsel for both sides and perused the materials available on record.

3. It is seen that the petitioner is one of the defendants in the suit filed by one Shanmugam in O.S. No. 107 of 2021, for declaration and possession of the property comprised in S. Nos. 127A/3A and 129/1B1, situated at Vaanapuram Village, Sankarapuram Taluk, Kallakurichi District and it is pending on the file of the District Munsif Court, Sankarapuram. The said Shanmugam also filed an application in I.A. No. 542 of 2021 in O.S. No. 107 of 2021 for temporary injunction, and it is also pending without any interim order.



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4. While that being so, the Sub-Inspector of Police, Pagandai Koot

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Road Police Station, Kallakurichi District sent a letter dated 18.07.2022 to the first respondent. The first respondent, without even issuing notice to the petitioner or the counter party, viz., the plaintiff in the suit filed against the petitioner in O.S. No. 107 of 2021, passed an order to maintain *status quo* in respect of the subject property and restrained the petitioner and the counter party to do anything in the subject property under Section 145 of Cr.P.C. It is also seen that no complaint was lodged either by the petitioner or by the counter party, viz., the plaintiff in O.S. No. 107 of 2021. That apart, the interim injunction application is pending in the said suit on the file of the District Munsif Court, Sankarapuram. When the Civil Court seizes up the matter, the first respondent has no jurisdiction to pass any order restraining any party from entering into the subject property.

5. In view of the above, the impugned order cannot be sustained and it is liable to be set aside. Accordingly, the impugned order dated 10.07.2024 is hereby set aside.



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06.03.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

kv

To

1. The Revenue Divisional Officer,
Kallakurichi District,
Kallakurichi – 606 202.
2. The Tahsildar,
Sankarapuram,
Kallakurichi – 606 202.
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J,

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