



Crl.R.C.No.471 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.08.2025

CORAM

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

Crl.R.C.No.471 of 2024

and

Crl.M.P.No.4508 of 2024

- 1.Latchumipathy
- 2.Senthil @ Idhayaverman
3. Thulasi
4. Munusamy
5. Dhamodaran

..... Petitioners

Vs

1. The Sub-Divisional Magistrate and
Sub-Collector,
Chengalpattu Revenue Division,
Chengalpattu,
Chengalpattu District.
2. The Tahsildar,
Tiruporur Taluk,
Tiruporur,
Chengalpattu District.
3. The Deputy Superintendent of Police,
Mamallapuram Police Sub-Division,
Mamallapuram,
Chengalpattu District.



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4. The Inspector of Police,
Tiruporur Police Station,
Tiruporur,
Chengalpattu District.

5. R.G.Kumar

6. Thandavamoorthy

7. Subramani

8. Velu

9. Vedhagiri

10. Raghuraman

11. Dhanasekaran

12. Janarthanan

.....Respondents

Prayer: Criminal Revision is filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records of the impugned order dated 06.03.2024 made in Na.Ka.No.369/2024/A1 passed under Section 147 of Criminal Procedure Code by the learned Sub Divisional Magistrate and Sub-Collector, Chengalpattu and set aside the same.

For Petitioner : Mr.R.Jothimanian

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



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For R5 : Mr.E.Omprakash (Senior Counsel)
for Mr.A.Ilangovan

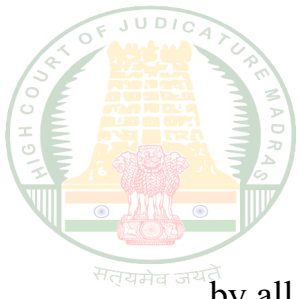
For R6 : Mr.T.Saravanan

For R8 to R12 : Mr.A.Arunbabu

ORDER

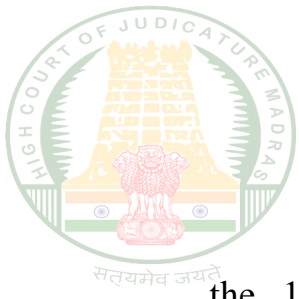
This Criminal Revision Case has been filed to call for the records of the impugned order dated 06.03.2024 made in Na.Ka.No.369/2024/A1 passed under Section 147 of Criminal Procedure Code by the learned Sub Divisional Magistrate and Sub-Collector, Chengalpattu, thereby directed the "A" Party to remove the coconut trees which were planted in the street which was classified as " Government Poramboke Land" and also to remove the encroachment found in S.F.No.16/20 belongs to the 5th respondent herein.

2. The temple called as "Sangothiamman kovil" is situated in the Sengothiamman Koil Street in the land comprised in S.No.27/21 which is classified as "Natham". This temple is administered by Villagers. The villagers formed a road in and around the temple and that road was used



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by all the villagers for their access to their respective properties including their house and few coconut saplings were planted by the Villagers in order to safeguard the temple property. The 5th respondent is doing real estate business in the name and style of " Aditya Dairy Farm" and he had laid out some land to convert the same into the house plots which is situated behind the temple, however, there is no connecting road to the land. As per the plan, the "Sangothiamman kovil Street" is the road connecting his land, in which the temple is situated. Therefore, the 5th respondent attempted to demolish the said temple. All the villagers are obstructing the same and requested the Revenue Authorities not to allow the 5th respondent to form layout through the S.No.27/21. That apart, the 5th respondent's land is adjacent to the land of the petitioner and there was some business rivalry between them which resulted in lodging a criminal case, which is also pending. Whiles, the petitioners being the villagers intervened in the issue and raised objections not to disturb the temple road and the temple which is situated in the Natham land comprised in S.No.27/21. While being so, a complaint was lodged by the 5th respondent before the 4th respondent and the same was referred to



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the 1st respondent to initiate proceedings under Section 147 of Cr.P.C which was challenged by the 5th respondent in W.P.No.17839 of 2020 and the same was dismissed by this Court. Thereafter, the 1st respondent issued notice to both the parties in order to initiate proceedings under Section 147 of Cr.P.C. Pursuant to the same, 1st respondent passed an order in Na.Ka.No.369/2024/A1 dated 06.03.2024, against which, present revision is filed.

3. On perusal of records revealed that, 1st petitioner and the temple had also filed suits in respect of the subject property and the same is pending before the Civil Court. While pending suits, the 1st respondent had directed to remove the coconut saplings which were situated in the temple land to the extent of 32 sq.m which is encroached by the 1st petitioner. Therefore, the 1st respondent directed to vacate the 1st petitioner from the land comprised in S.No.27/21 and S.No.16/17.



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4. This Court is of the view that the 1st respondent has no authority or jurisdiction to pass such an order when the subject land is pending before the civil court for the civil suit filed by the petitioners and also the temple. Further, the 5th respondent had filed Writ Petition before this Court in W.P.No.16289 of 2023 seeking direction to the Inspector of Police, Thiruporur Police Station to implement the order of the 1st respondent in Na.Ka.No.5081/2022/A10 dated 06.03.2023. This Court by an order dated 28.08.2025 had disposed the Writ Petition by observing that if the 5th respondent succeeds in the suit, he can very well approach the Police Authority to seek police protection to implement the order. Therefore, this Court is inclined to set aside the order impugned in Na.Ka.No.5081/2022/A10 dated 06.03.2023 and accordingly set aside. The petitioners as well as the respondents (5 to 12) are at liberty to approach the concerned authority subject to the result of civil suit in respect of the subject property.



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5. Accordingly, this Criminal Revision Petition stands allowed.

Consequently, connected miscellaneous petition is closed.

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

To

1. The Sub-Divisional Magistrate and
Sub-Collector,
Chengalpattu Revenue Division,
Chengalpattu,
Chengalpattu District.
2. The Tahsildar,
Tiruporur Taluk,
Tiruporur,
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3. The Deputy Superintendent of Police,
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G.K.ILANTHIRAIYAN, J.

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