



Crl.O.P.No.18075 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 05.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.18075 of 2023
& Crl.M.P.No.11946 of 2023

1. Lakshmi, W/o Gangatharan (late), 77 years.
2. Arumugam S/o Gangadaran (late), 45 years.
3. Gajendran S/o Gangadaran(late), 41 years
All reside at No.03, Pandasozhanallur road,
Kalmandapam Village,
Nettapakkam commune,
Puducherry

... Petitioner /A party

/versus/

1. Sub Divisional Magistrate (South)/
Revenue Divisional Officer,
Villianur.

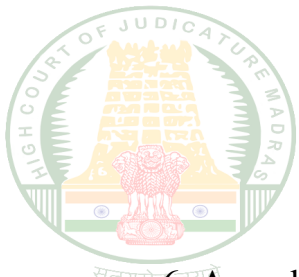
... Respondent/Petitioner

2. State represented by SHO,
Nettapakkam PS, Puducherry

3.Dhavaputhalvan S/o Ramapathiran,
No.63, Main Road, Kalmandapam,
Nettapakkam Commune,
Puducherry

4. Arasuamuthu W/o Anandan,
Kalmandapam,
Puducherry

5. Arularasan S/o Rajalingam,
No.18, 3rd Street,
PuduNagar, Kalmandapam, Puducherry.



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6. Anandan S/o Kasinathan
No.93, 3rd Cross Street,
Kalandapam,
Puducherry

7. Arikrishnan S/o Kannan,
No.22, Moogambikai Nagar,
Kalandabam,
Puducherry

8. Nadarajan S/o Dhandapani,
No.46, Pandasozhanallur road,
Kalandabam,
Puducherry

9. Durairaj S/o Kuppusamy,
No.56, Main Road,
Kalandapam,
Puducherry.

10. Vijayan S/o Amamathan,
Kalaiselvin nagar,
Kalandabam,
Puducherry

11. Karunakaran S/o Veerasamy,
No.22, Moogambikai Nagar,
Kalandabam,
Puducherry

... Respondents/B Party

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C.,
pleaded to call for the records in M.C.No.350/2022 in I.R.No.21/2022 on the
file of the Sub Divisional Magistrate (South) at Villianur, dated 15.02.2023 and
set aside the same.



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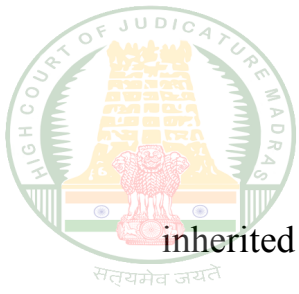
For Petitioner : Mr.N.Sivaprakash
For R1 & R2 : Mr.K.S.Mohandass,
Public Prosecutor, (Puducherry)
For R4 to R6, R8
to R11 : No appearance

ORDER

This petition has been filed to call for the records in M.C.No.350/2022 in I.R.No.21/2022 on the file of the 1st respondent/Sub Divisional Magistrate (South), Villianur, dated 15.02.2023 and set aside the same.

2. Though notice served to the respondents 4 to 11 herein, none appeared on behalf of the respondents 4 to 11 nor their Counsel on record.

3. The case of the petitioners is that the property measuring 1 Kani, 32 Kuzhi, and 11 Veesam originally belonged to one Peramatchi Goundar. After his demise, his two sons, namely Govinda Goundar and Veerasamy Goundar, inherited the property equally. Thereafter, the said Govinda Goundar inherited 66 Kuzhi and 6 Veesam, and after his demise, it was inherited by his three sons. Among the three sons, one son died unmarried, and his share was



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inherited by his brother, Krishnasamy Goundar. They were in possession and

enjoyment of the subject property. After their demise, the petitioners, as the legal heirs, filed a suit in O.S. No. 1153 of 2021 to be recognized as the legal heirs of the late Kumarasamy Goundar. Accordingly, they were recognized by an order dated 11.09.2021 in L.A.C. No. 2917 of 2021 in O.S. No. 1153 of 2021. Further, they also filed a suit in O.S. No. 1414 of 2021 before the First Additional District Munsif, Puducherry, seeking a declaration in respect of the subject property. However, the suit was dismissed on the ground that the petitioners were able to establish their right only over 22 Kuzhi and 2 Veesam, and they failed to establish their right over the other share of 22 Kuzhi and 2 Veesam, which was allotted to another brother. Additionally, it was held that the defendants did not produce any title to prove that the son of Kumarasamy Goundar executed a sale deed on 18.10.1957 in favor of Subramaniya Padayatchi, who was the brother of Ramsamy Padayatchi. Without the production of the sale deed in favor of Subramaniya Padayatchi, it was refused to accept that Kumarasamy Goundar sold his property to Subramaniya Padayatchi, which is now in the hands of the defendants.



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4. Without considering the same, the 1st respondent/ Sub

Divisional Magistrate (South)/Revenue Divisional Officer, Villianur ordered to maintain *status quo* by both the parties, namely, the petitioners as well as the respondents 3 to 11 herein.

5. In view of the above, the order passed by the 1st respondent/Sub Divisional Magistrate (South)/Revenue Divisional Officer, Villianur cannot be sustained and is liable to be quashed. If at all there is an any grievance, the respondents 4 to 11 are at liberty to approach the civil Court for appropriate remedy.

6. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

05.02.2025

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

To,

1. The Sub Divisional Magistrate (South)/ Revenue Divisional Officer, Villianur.
2. The Station House Officer, Nettapakkam Police Station, Puducherry.
3. The Public Prosecutor (Puducherry), High Court, Madras.



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CRL.O.P.No.18075 of 2023
and Crl.M.P.No.11946 of 2023

G.K.ILANTHIRAIYAN.J

This matter is posted today before this Court under the caption 'For Being Mentioned' at the instance of the learned counsel appearing for the petitioners.

2. The learned counsel for the petitioners has brought to the notice of this Court that in the order dated 05.02.2025 in Crl.O.P.No.18075 of 2023, in Paragraph No.3, the suit number has been erroneously stated as “O.S.No.1414 of 2021” instead of “O.S.No.1414 of 2011”.

3. Accepting the submissions of the learned counsel for the petitioners, in Paragraph No.3 of the order dated 05.02.2025 in Crl.O.P.No.18075 of 2023, the suit number shall be read as O.S.No.1414 of 2011.

4. Registry is directed to carry out necessary corrections in the order dated 05.02.2025 in Crl.O.P.No.18075 of 2023 and issue fresh order copy.



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5. In all other aspects, the order dated 05.02.2025 in Crl.O.P.No.18075 of 2023 shall remain unaltered.

25.03.2025

Index:Yes/No
Internet:Yes/No
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G.K.ILANTHIRAIYAN, J.
mn

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