



Crl.O.P.No.12786 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2025

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.12786 of 2025

and

Crl.M.P.No.8470 of 2025

Murugan

... Petitioner

Vs

1. The Sub Divisional Executive Magistrate/
The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Harur Taluk,
Dharmapuri.

2. The State Rep.by
The Inspector of Police,
Harur Police Station,
Harur.

3. Bhoopathy

4. Pannerselvam

... Respondents

Criminal Original Petition is filed under Section 528 of B.N.S.S.,
to set aside the order passed in Na.Ka.No.2582/2024/B4 on the file of the
first respondent.



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For Petitioner : Mr.C.Iyyapparaj
For Respondents : Mr.A.Gopinath,
Government Advocate (Crl.Side)
(for R1 & R2)

ORDER

This petition has been filed challenging the order dated 06.01.2025 in Na.Ka.No.2582/2024/B4 passed by the first respondent, thereby allowing all the parties to use the pathway comprised in S.No.14/4C situated at Kavoipatty Village, Sellampatti, Theerthamalai Inner Circle, Harur Taluk, Dharmapuri District.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first and second respondents and perused the materials available on record.

3. The learned counsel for the petitioner would submit that the petitioner owned the land comprised in S.No.14/4C situated at Kavoipatty Village, Sellampatti, Theerthamalai Inner Circle, Harur Taluk, Dharmapuri District. However, without any jurisdiction and power, the first respondent passed the order to use the pathway by all. The petitioner is the exclusive



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owner of the said property and he has also produced patta for the same before this Court.

4. Though the subject land is a patta land, which belongs to the petitioner, the petitioner cannot restrict any person from using the same when there is a cart track or public pathway in it as per the Revenue Records. Therefore, the first respondent rightly ordered that the subject land is a public pathway. In view of the above, this Court finds no infirmity or illegality in the order passed by the first respondent.

5. Accordingly, this Criminal Original Petition is dismissed. However, the if the petitioner wants to exclusive right over the subject property, he can approach the Civil Court for appropriate relief. Consequently, the connected Miscellaneous Petition is closed.

25.04.2025

Index:Yes/No
Neutral Citation/Yes/No
kv

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To

1. The Sub Divisional Executive Magistrate/
The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Harur Taluk,
Dharmapuri.
2. The Inspector of Police,
Harur Police Station,
Harur.
3. The Public Prosecutor,
High Court of Madras,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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