

Crl.O.P.No.22523 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Dated: 22.08.2025

Coram:

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.22523 of 2025 &
Crl.M.P.No.15417 of 2025

R.Kamaraj

...Petitioner

Vs.

1. Rajavadivelan

2. The Sub-Divisional Magistrate cum
Deputy Collector (Revenue),
Karaikal

...Respondents

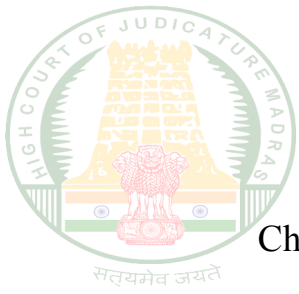
Prayer:

Criminal Original Petition filed under Section 528 of BNSS Act, 2023 to call for the entire records relating to the case in Crl.R.C.No.2 of 2023 on the file of the learned Sessions Judge, Karaikal and set aside the order dated 05.03.2025 passed by the learned Sessions Judge, Karaikal upholding the order dated 29.04.2023 made in M.C.No.522 of 2021 passed by the Sub-Divisional Magistrate, Karaikal District.

For Petitioner : Mr.P.V.Rahul

For Respondents : Mr.M.V.Ramachandramurthy
Additional Public Prosecutor (Pondicherry)
assisted by
Mr.M.Thamizhmani for R2

ORDER



CrI.O.P.No.22523 of 2025

Challenging the order of the learned Sub Divisional Magistrate, Karaikal

passed under Section 147 Cr.P.C., the present petition has been filed under Section 482 Cr.P.C./Section 528 of BNSS Act, 2023.

2. Heard the learned counsel on either side and perused the documents placed on record.

3. Having suffered the order under Section 147 Cr.P.C before the Sub Divisional Magistrate, Karaikal and thereafter, having suffered order under Section 397 of Cr.P.C., Revisional jurisdiction, before the Sessions Court, Puducherry, once again, the petitioner has filed the present petition under Section 482 of Cr.P.C., / Section 528 of BNSS, Act.

4. The very issue between parties before the Sub Divisional Magistrate is with regard to the easmentary right and usage of the pathway. However, the petitioner is not in a position to succeed his claim and the learned Sessions Judge also confirmed the order of the learned Sub Divisional Magistrate and dismissed the claim of the petitioner. The entire allegation on both sides is with regard to the usage of pathway and claiming easmentary right.

5. In such view of the matter, the finding recorded by the Sub



CrI.O.P.No.22523 of 2025

Divisional Magistrate and the Revisional Court, with regard to the rights of the

parties will not have any binding. The right with regard to the easmentary right and usage of pathway can be decided only on proper evidence before the civil court and not by way of proceedings under Section 147 of Cr.P.C., and it is not recorded in the findings of the Sub Divisional Magistrate as to who was in possession and whether there was any disturbance. Therefore beyond the scope of proceedings under Section 147 of Cr.P.C., rights have been decided by the Sub Divisional officer.

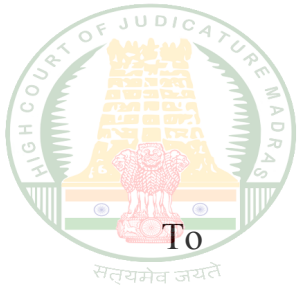
6. Accordingly, this Court is of the view that the rights of the parties have to be agitated only before the civil court by adducing proper evidence. The petitioner is at liberty to file necessary suit to establish his right. In the result, the present petition is dismissed. Consequently, connected miscellaneous petition is closed.

22.08.2025

Index : Yes / No
Internet : Yes / No
Speaking Order / Non Speaking Order
ssd

N.SATHISH KUMAR, J.

ssd



Crl.O.P.No.22523 of 2025

WEB COPY

1. The Sessions Court,
Puducherry
2. The Sub-Divisional Magistrate cum
Deputy Collector (Revenue),
Karaikal
3. The Public Prosecutor,
High court, Madras

Crl.O.P.No.22523 of 2025

22.08.2025