



W.P.No.19414 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.19414 of 2025

and

W.M.P.Nos.21668 & 21669 of 2025

Murali Narayanappa

... Petitioner

Vs

1. The Sub Divisional Executive Magistrate
cum Sub Collector, Hosur.
2. The District Collector,
Krishnagiri.
3. The Tahsildar,
Denkanikottai,
Krishnagiri District.
4. Avigna Amaira Private Limited,
Rep. By its Authorised Signatory,
Mr.P.Sathish Kumar,
Having registered office at
No.1822, I Block, 13th Main Road,
Anna Nagar West,
Chennai -40.



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5. Lokesh
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6. Lalitha

7. Krishnamoorthy

8. Saraswathi

9. Narayanamma

10. Prakash

11. Pathi

12. Rajkumar

13. Manoranjitha

14. Santhamma

15. Savithiriyamma

16. Lakshmidevi

17. Rukmani

18. Yasodha

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records leading to pass the impugned order of the first respondent dated 17.05.2024 in Na.Ka.No.346 of 2024 /B1 and to quash the same.



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For Petitioner : Mr.V.Raghavachari
Senior Advocate
For Mr.M.Narayanaswamy

For R1 to R3 : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorari, calling for the records with regard to the impugned order dated 17.05.2024 passed by the first respondent in Na.Ka.No.346 of 2024 /B1 and to quash the same.

2. Heard the learned Senior Counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the official respondents and perused the materials available on record.

3. Learned Senior Counsel appearing for the petitioner submitted that a civil suit is pending between the parties. Pending civil suit, the first respondent has passed the impugned order and the same is beyond the scope and object of Section 145 Cr.P.C. Hence, he prayed to set aside the impugned order passed by the first respondent.



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4. On 11.06.2025, this Court directed both the first respondent herein-The Sub Divisional Executive Magistrate-cum-Sub Collector and the Inspector of Police, Kelamangalam Police Station, Krishnagiri District to appear before this Court. Today, when the matter is taken up for hearing, they appeared.

5. On a perusal of the materials available on record, it is seen that the first respondent referred the pendency of the suit between the parties in the impugned order itself. Further, the Police has no authority to refer the matter before the Sub Divisional Executive Magistrate-cum-Sub Collector. The Sub Divisional Executive Magistrate-cum-Sub Collector, Hosur had interfered with the civil dispute under the guise of law and order problem. Section 145 Cr.P.C., is very clear that, if any party is creating a law and order problem, based on the interference of the possession of the property, in order to maintain law and order problem, the Police has to refer the matter before the Sub Divisional Executive Magistrate-cum-Sub Collector or the Magistrate as the case may be, to maintain peace. Whereas in this case, already parties have



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approached the Civil Court to settle their civil dispute and the same is pending.

6. The dispute between the parties is regarding the possession of the property and the same had already been seized of by the competent civil Court. The Sub Divisional Executive Magistrate-cum-Sub Collector, Hosur has no authority to interfere with the civil dispute between the parties. Hence, the impugned order passed by the first respondent is liable to be set aside and the same is set aside.

7. Both the Sub Divisional Executive Magistrate-cum-Sub Collector, Hosur and the Inspector of Police, Kelamangalam Police Station, Krishnagiri District are directed not to interfere with the Civil dispute between the parties, while the same is pending before the civil Court.



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8. In view of the same, this Writ Petition is allowed. No costs.

Consequently, connected miscellaneous petitions are also closed.

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The Sub Divisional Executive Magistrate
cum Sub Collector, Hosur.
2. The District Collector,
Krishnagiri.
3. The Tahsildar,
Denkanikottai,
Krishnagiri District.
4. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN, J

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