



WEB COPY

WP No. 27699 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

WP No. 27699 of 2023

AND

WMP NO.27185 OF 2023

1. SARAVANAKUMAR

S/o.Sivagurunathan,
Emmegoundampalayam,
Kinathukadavu Taluk-642 120,
Coimbatore District.

2. VIGNESHWARAN

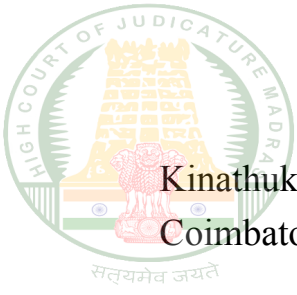
S/o.Sivagurunathan,
Emmegoundampalayam,
Kinathukadavu Taluk-642 120,
Coimbatore District.

Petitioner(s)

Vs

1. The Sub Divisional Executive
Magistrate-cum-sub Collector
Office Of Sub Collector, Pollachi-642
001.

2.R.Arusemy,
S/o.Ramasamy Goudner,
Chettiakkapalayam,
Emmegoundampalayam,



Kinathukadavu Taluk-642 120,
Coimbatore District.

WEB 3.Devarasu,

S/o.Arusamy Goudner,
Chettiakkapalayam,
Emmegoundampalayam,
Kinathukadavu Taluk-642 120,
Coimbatore District.

4.Gopalsamy,
S/o.Arusamy Gounder,
Chettiakkapalayam,
Emmegoundampalayam,
Kinathukadavu Taluk-642 120,
Coimbatore District.

5.Chinnamuthusamy,
S/o.Ramasamy Goudner,
Chettiakkapalayam,
Emmegoundampalayam,
Kinathukadavu Taluk-642 120,
Coimbatore District.

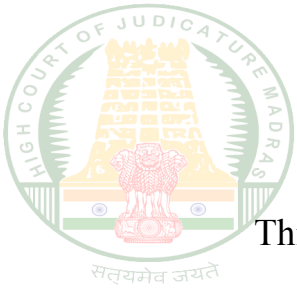
Respondent(s)

PRAYER : Petition filed under Article 226 of the Constitution of India, to call for entire records relating to the order dt.28.08.2023 bearing M.C. No.08/2023/A1 made by the 1st respondent and to quash the same.

For Petitioner(s): R.Nandhakumar

For Respondent(s): Mr.K.M.D.Muhilan,
Addl. Public Prosecutor For R1

Mr.M.N.Balakrishnan, for R2, R3 & R5



ORDER

This Petition has been filed to call for entire records relating to the order dated 28.08.2023 bearing M.C. No.08/2023/ A1 made by the 1st respondent and to quash the same.

2. The respondents 2 to 5 gave a representation to the first respondent that they have obtained a decree for permanent injunction against the petitioners herein in O.S.No.299 of 2000 in respect of S.No.377/2 and 377/2B. The decree was in respect of pathway. Therefore, despite the decree and judgment, the petitioners are causing interference and thereby, the respondents 2 to 5 gave a petition. Based on that Petition, an enquiry was commenced by Revenue Divisional Officer and he passed an order directing the parties to follow the decree and judgment and directed to resolve the dispute in Civil Court and further directed the police to register a case in the event there is a violation. Challenging the said order, the petitioners are before this Court.

3. At the outset, on perusal of the materials, it is seen that the very assuming jurisdiction by the Revenue Divisional Officer merely on the basis of



the Petition given by the respondents 2 to 5 itself is not valid in the eye of law.

The proceedings under Section 145 of Cr.P.C., can be initiated only whenever an Executive Magistrate is satisfied from a report of a police officer or upon other information that a dispute likely to cause a breach of the peace exists concerning any land or water or the boundaries thereof, within his local jurisdiction and only on receipt of such information is being satisfied, he can pass an order directing the parties to appear before his Court. Thereafter, he has to follow the procedure and pass orders.

4. It is relevant to note that admittedly there was a decree and judgment in favour of the private respondents for permanent injunction. If at all there is any violation of the decree and judgment, the proper course would to enforce such decree before the competent Civil Court under Order XXI of C.P.C. Without resorting the provision for enforcement, now the private respondents adopted another method of extending the order of injunction. In fact, injunction order is in respect of only the pathway and that cannot be converted into other areas.



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5. When there is a remedy is inbuilt in C.P.C., to enforce the decree obtained by a party, particularly, as far as a decree for permanent injunction, there is no limitation. Instead of resorting such proceedings the private respondents approached the Revenue Divisional Officer. The Revenue Divisional Officer, without being satisfied with the report of a police officer or any other report, which likely caused any dispute with regard to the land, assuming jurisdiction would not valid in the eye of law.

6. Accordingly, this Writ Petition is allowed. The impugned order dated 28.08.2023 is set aside. No costs. Consequently, connected miscellaneous petition is closed.

19-08-2025

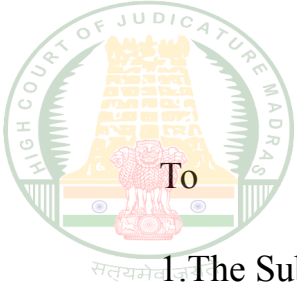
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

gsk



To

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Office Of Sub Collector, Pollachi-642
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