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CRL MP No. 18828 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 18828 of 2025

IN

CRL RC NO. 1990 OF 2025

PARIMALAM

S/o.Gopal AND 3 OTHERS

Petitioner(s)

Vs

The Sub-Divisional Executive
Magistrate cum Sub-Collector,
Kanchipuram District. AND 8
OTHERS

Respondent(s)

PRAYER

To stay the operation of the order dated 16.09.2025 in Proceedings No.3157/2025/A1 on the file of the 1st respondent pending disposal of the above Crl.R.C.

For Petitioner(s): T. Sathiyamoorthy

For Respondent(s): Dr. C.E. Pratap, Govt Advocate

**ORDER**

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Challenging the order dated dated 16.09.2025 in Proceedings No.3157/2025/A1 passed by the first respondent the petitioner has filed this petition.

2. It is the submission of the petitioner that despite having access through their lands in S.No.105 and 104 to the said temple, the respondents had wanted the petitioners to gift the lands in S.No.91/1A,112 and 111 A which the petitioners had refused to comply. It is relevant to state here that the 2nd respondent is the president of the Village panchayat.

3. It is the further submission of the petitioner that the respondents 2 to 8 with ulterior motive demands to put up lamps in the electric posts running through our field and caused the paddy crop exposed to electric light and thereby affecting the growth of the paddy crop. The petitioners had also shown the same to the then Village Administrative Officer. After taking up the matter with the Electricity Department, the lamps were removed.

4. It is seen from records that the first respondent claims in the report that the



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alleged pathway was removed in April 2025, i.e three months before the police

report dated 30.07.2025 was received and the Thasildar report dated 22.07.2025

upon which he had instituted the 166 proceedings by order dated 18.08.2025.

The first respondent ought to have seen that proviso to S.166 (3) prohibits the

1st respondent from passing any order under S.166(3) if the alleged right is not

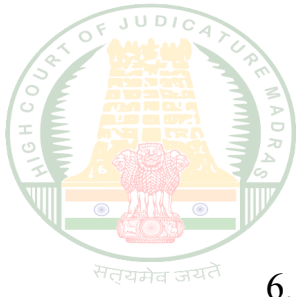
used for 3 months before the receipt of the report of the police officer or other

information upon which the proceedings are instituted under S.166. Thus, the

order passed by the first respondent is contrary to the provisions of S.166 of the

BNSS 2023.

5. The petitioners submit that pursuant to the order dated 16.09.2025, the private respondents are attempting to lay a 4 feet path in the petitioners agricultural land with gravel. The first respondent is also supporting them. If they are allowed to proceed further the petitioners would lose very valuable agricultural land. It is therefore just and necessary that this Court may be pleased to suspend the execution of the order dated 16.09.2025 bearing proceedings No.3157/2025/A1 on the file of the 1st respondent pending disposal of the above Revision.



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6. In view of the above it is made clear that the petitioners have made out a prima facie case for grant of interim stay. Hence, there shall be na order of interim stay till 13.11.2025.

7. Notice to the respondents returnable by 13.11.2025. Post the matter on 13.11.2025.

09-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To
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1.The Sub-Divisional Executive
Magistrate cum Sub-Collector,
Kanchipuram District.

2.The Inspector of Police,
B4, Baluchettychathiram Police Station,
Baluchettychathiram, Kanchipuram
District.

3.Dhatchinamoorthy
Village Panchayat President,
S/o.Rangasamy, Bajanai Koil Street,
Kilar Village, Kanchipuram Taluk,
Kanchipuram District.

4.Gunasekar
S/o.Varadan, No.221, Palla Street, Kilar
Village, Kancheepuram Taluk,
Kancheepuram District.

5.Senthil Murugan
S/o.Balasundaram, No.222, Palla Street,
Kilar Village, Kancheepuram Taluk,
Kancheepuram District.

6.Pachaiappan
S/o.Kolian, Mettu Street, Kilar Village,
Kancheepuram Taluk, Kancheepuram
District.



7.Mohanraj

S/o.Balasundaram, No.222, Palla Street,
Kilar Village, Kancheepuram Taluk,
Kancheepuram District.

8.Ramachandran

S/o.Venkatachalam, No.219, Palla
Street, Kilar Village, Kancheepuram
Taluk, Kancheepuram District.

9.Jaishankar

S/o.Purusothaman No.1, Bajanai Koil
Street, Kilar Village, Kancheepuram
Taluk, Kancheepuram District.



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T.V.THAMILSELVI, J.

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