



CrL.R.C.(MD)No.599 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrL.R.C.(MD)No.599 of 2025

and

CrL.M.P.(MD)No.6690 of 2025

Baskaran

... Petitioner

-VS-

1.The Sub Divisional Magistrate/the Revenue Divisional Officer,
Thoothukudi,
Thoothukudi District.

2.The State of Tamil Nadu,
Rep. By the Inspector of Police,
South Police Station,
Thoothukudi.

3.Kanagaraj

... Respondent

PRAYER : Criminal Review Case filed under 438 r/w. 442 of BNSS, 2023,
to call for the records of the learned Sub Divisional Magistrate/The
Revenue Divisional Officer, Thoothukudi, in Na.Ka.No.AA1/BNSS.
164/687/2025 dated 05.03.2025 and set aside the same.

For Petitioner	: Mr.S.Deenadhayalan
For Respondents 1 & 2	: Mr.M.Sakthi Kumar,
	Government Advocate (CrL.)
For 3 rd Respondent	: Mr.A.Arun Ramnath



CrL.R.C.(MD)No.599 of 2025

WEB COPY

ORDER

Challenging the order passed by the first respondent Sub Divisional Magistrate/The Revenue Divisional Officer, Thoothukudi, in Na.Ka.No.AA1/BNSS.164/687/2025 dated 05.03.2025, this Criminal Revision Case has been preferred.

2.The petitioner herein is the General Secretary of one Annai Barathar Welfare Association (ABWA), who is described as 'A' party in the impugned proceedings. The third respondent is the General Secretary of 'B' party Association. Both the A party association and B party association were functioning for the welfare of the fishermen community. The case is with respect to the possession of the building in Door Nos.40/9 and 10, South Beach Road, Thoothukudi Taluk, Thoothukudi. The case is that both A party and B party claim possession over the property for running the association, which is functioning for the welfare of the fisherman community. In view of the same, law and order problem had emanated and the same was sent before the first respondent for adjudication. The order passed by the first respondent in the said matter is challenged by way of Criminal Revision Case.

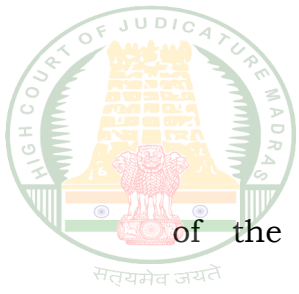
3.The learned Government Advocate (CrI.) appearing for the respondents 1 and 2 submitted that it is all about the possession of a



CrL.R.C.(MD)No.599 of 2025

rented premises by two groups. Since both the groups claim to have possession of the said building, the first respondent found out that the Diocese of the Thoothukudi is the owner of the said premises. Both A party and B party claimed to have entered into the rental agreement with the Diocese. Hence, there is no harm or infirmity in the proceedings of the first respondent, for having decided that it is for the owner of the building to decide as to who should be in possession or who is in possession in terms of rental agreement entered into between the Diocese and the said party and had relegated the matter before the owner of the property, that is, the Diocese, recording the fact that already B party had filed a suit for bare injunction in O.S.No.246 of 2024 on the file of the learned District Munsif Court, at Thoothukudi and pressed for dismissal of the Criminal Revision Case.

4.The learned counsel appearing for the revision petitioner submitted that the exercise of powers by RDO in the capacity of Sub Divisional Magistrate is not to trace the title but only the aspect of possession has to be looked upon and the first respondent ought to have decided the issue on that point and for which, relied upon the order passed by this Court in CrL.R.C.No.773 of 2015 dated 15.07.2022. Relying upon the order passed by this Court in the said case, the learned counsel for the petitioner submitted that while dealing with the proceedings under Section 145 of Cr.P.C., the main point concerned should be with respect to the possession



CrI.R.C.(MD)No.599 of 2025

of the property in dispute on the date of preliminary order or dispossession, if any, within two months prior to the said date and the Court is not required to decide the title or right of possession of the same and pressed for allowing the Criminal Revision Case.

5.The learned counsel appearing for the third respondent submitted that B party entered into rental agreement with Diocese and had been in possession from 06.08.2024 till now. In the interregnum period, A party had persuaded the Diocese and had manipulated to obtained the key of the premises from the Diocese. However, after the intervention of B party, the rental agreement was executed in their favour and pressed for dismissal of the Criminal Revision Case.

6.Heard both sides and carefully perused the materials available on record.

7.The learned Government Advocate (CrI.) on oral instructions from the second respondent submitted that as on date, the premises is locked.

8.The learned counsel for the petitioner had relied upon the order passed by this Court in CrI.R.C.(MD)No.902 of 2024, in which, this Court has held that in a matter concerning possession of the property, it is not required for the Court to decide title or right of possession of the same.



CrL.R.C.(MD)No.599 of 2025

WEB COPY

9.A careful perusal of the aforesaid order would reveal that on the basis of ownership, two parties have claimed possession over the same property and hence, the Court has passed an order in that line and that particular order is not applicable to the facts and circumstances of this case. However, in this case, the matter is pertaining to tenancy and the ownership vests with Diocese, as submitted by the petitioners as well as the respondents herein. When two tenants are disputing about the possession of a particular building with respect to who should be possession of the rented premises, I do not find any infirmity in the order passed by the first respondent to relegate the matter before the owner to decide the dispute, recording the fact that already the suit for bare injunction has been filed by the B party in O.S.No.246 of 2024. I do not find any infirmity in the order passed by the first respondent.

10.In view of the same, this Criminal Revision Case is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

10.06.2025

NCC :Yes/No
Index :Yes/No
Internet : Yes
Mrn



CrL.R.C.(MD)No.599 of 2025

WEB COPY

To

- 1.The Sub Divisional Magistrate/the Revenue Divisional Officer,
Thoothukudi,
Thoothukudi District.
- 2.The Inspector of Police,
South Police Station,
Thoothukudi.



WEB COPY



CrL.R.C.(MD)No.599 of 2025

L.VICTORIA GOWRI, J.

Mrn

CrL.R.C.(MD)No.599 of 2025

10.06.2025