



WEB COPY

CRL RC No. 802 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

**CRL RC No. 802 of 2021
and
CRL MP No. 11902 of 2021**

Craigmore Plantations (I) Private Limited,
Rep by its Managing Director,
Maletirananjapabopana,
Having Office at,
Kullakamby Post,
The Nilgiri District.

..Petitioner

Vs

1. The Sub Divisional Magistrate / Sub Collector
Coonoor, The Nilgiri District.
2. The Tahsildar
Coonoor Taluk,
The Nilgiris District.
3. The Inspector of Police
Kullakamby Police Station,
Coonoor, The Nilgiri District.
4. C.S. Rajasekaran

..Respondents

Prayer : Criminal Revision Case is filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to call for the records pertaining to the order dated 02.10.2021 made in RC.A1.No.3845 of 2013 on the file of the Sub-Divisional Magistrate/Sub Collector, Coonoor, The Nilgiris District the first respondent herein and set aside the same

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For Petitioner : Mr.S.Ramachandran

WEB COPY For Respondents: Mr.L.Baskaran
Public Prosecutor for R1 to R3

No appearance for R4

ORDER

This Criminal Revision Case has been filed challenging the order dated 02.10.2021 passed by the first respondent.

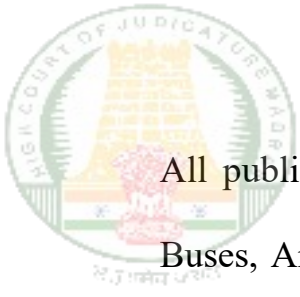
2. The first respondent, by the impugned order, has confirmed the conditional order dated 17.08.2015 as absolute. Consequently, the petitioner was directed to remove all iron gates and barricades erected at the entrances of Survey Nos. 518/3 and 498/3 within a period of fifteen days from the date of receipt of the said order. The said direction has been issued to ensure uninterrupted access for all vehicles, including private transport, through the approach road originating from the Government land in S.No. 518/2 and terminating at S.No. 498/4 of Melur Village

3. The learned counsel appearing for the petitioner submitted that after passing an order under Section 133 of the Code of Criminal Procedure, the first respondent ought to have followed the procedure as contemplated under Sections 137 and 138 of Code of Criminal Procedure.



4. A perusal of the records and also the submissions made by the learned Government Advocate (Crl.Side) reveals that the land comprised in S.No.498/3, 518/3 owned by the petitioner and the places where the road located is registered in erstwhile revenue records as 'Vandipathai', and the field sketch. The said field sketch was prepared in the year 1980 during the period of re-survey and it is also confirmed that the said road was used for pedestrian and vehicular traffic by the general public for the past several years. During the enquiry, the estate management has agreed that their management had prevented the vehicles of Thoothurmattam and its suburbs villages. It is evident and confirmed that they prevented the public vehicles, 108 ambulance and other mortuary vehicles.

5. Therefore, the first respondent, by order dated 17.08.2015, passed conditional order to remove the nuisance under Section 133 of Cr.P.C. Further directed the petitioner not to disturb the public by using the road for pedestrian and vehicular traffic. It was challenged before this Court in Crl.R.C.No.892 of 2015 and this Court allowed the revision on the ground that the petitioner was not given an opportunity of personal hearing, while passing order dated 17.08.2015. After remand, the first respondent conducted a detailed enquiry and passed the present order on 02.10.2021. During the enquiry, the first respondent found that all the villagers have been using this approach road without any restraints from any circle in the past for more than five decades.



All public transports such as Tamil Nadu State Transport Corporation Route Buses, Ambulances and other Government vehicles make use of this approach road for access to the villages located beyond the petitioner's tea plantation.

6. Though the subject land is a patta land, as per the revenue records, there is a vandipathai. Therefore, the petitioner cannot obstruct the pathway. Though it is located in the patta land, there is no dispute with regard to ownership of the said land. However, the petitioner cannot obstruct the general public while using the Vandipathai situated in the petitioner's land. Hence, the first respondent rightly passed the order and this Court finds no infirmity or illegality in the order passed by the first respondent. Now, the gates are removed and all the general public are using the pathway to reach the villages, through the pathway, which is located in the petitioner's patta land.

7. Accordingly, this Criminal Revision Case is dismissed. However, the first respondent is directed to follow the procedure as contemplated under Sections 137 and 138 of Cr.P.C. if the public road is denied by the petitioner. Consequently, connected miscellaneous petition is closed.

18-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
LPP



To

1. The Sub Divisional Magistrate / Sub Collector
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2. The Tahsildar
Coonoor Taluk,
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4. The Public Prosecutor,
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