



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2026

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CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

WP CrI. No. 683 of 2025

and

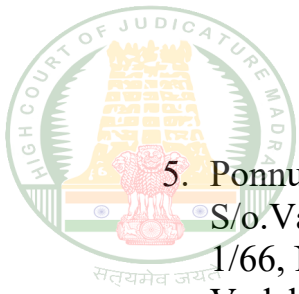
WPMP CrI. Nos. 320 to 322 of 2025

Thenammal
W/o.Kuppusamy,
3/91, South Street,
Muthugapatti-637 405,
Sendamangalam Taluk,
Namakkal District.

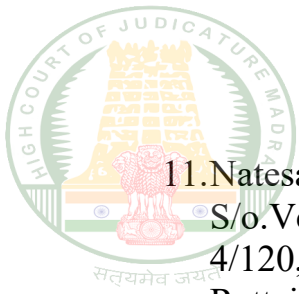
..Petitioner

Vs

1. The Executive Magistrate Cum Revenue Tahsildar,
Mohanur Taluk,
Namakkal District.
2. The Inspector of Police,
Mohanur Police Station,
Namakkal District.
3. Subramanian
S/o.Vangili,
4/156, Valayapatti,
Mohanur Taluk,
Namakkal District.
4. Jaisankar
S/o.Karuppanna Gounder,
4/124, Avarankattu Thottam,
Valayapatti,
Mohanur Taluk,
Namakkal District.



5. Ponnusamy
S/o.Vadavachi Gounder,
1/66, Nathamedu,
Vadakku Thottam,
Arur-637 020,
Namakkal District.
6. Murugesan
S/o.Karuppa Gounder,
7/66, Nathamedu,
Vadakku Thottam,
Arur-637 020,
Namakkal District.
7. Rajasekaran
S/o.Sellappan,
7/100, Nathamedu,
Vadakku Thottam,
Arur-637 020,
Namakkal District.
8. Ramasamy
S/o.Sellappan,
5/142, Nathamedu,
Vadakku Thottam,
Arur-637 020,
Namakkal District.
9. Selvarasu
S/o.Veerappa Gounder,
4/123, Avarankattu Thottam,
Rettaiyampatti,
Arur-637 020,
Namakkal District.
- 10.Selvi
S/o.Mohan,
7/194, Nathamedu,
Arur-637 020,
Namakkal District.



11.Natesan

S/o.Veerappa Gounder,
4/120, Avarankattu Thottam,
Rettaiyampatti,
Arur-637 020,
Namakkal District.

12.Sankar

S/o.Periyannan,
7/167, Nathamedu,
Arur-637 020,
Namakkal District.

13.Senthilnathan

S/o.Periyasamy,
4/156, Valayapatti,
Mohanur Taluk,
Namakkal District.

14.Selamban

S/o.Vangili Gounder,
7/167, Nathamedu,
Arur-637 020,
Namakkal District.

15.Palanisamy

S/o.Periyannan,
75, Wellington Street,
Namakkal-637 001,
Namakkal District.

16.Ramasamy

S/o.Periyannan,
7/167, Nathamedu,
Arur-637 020,
Namakkal District.

..Respondents

Prayer : Writ Petition (Criminal) filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the



records relating to the impugned order dated 19.07.2025 made in Na.Ka.No.2311/2025/A1 passed by the 1st respondent, quash the same and consequently forbear the respondents 1 and 2 from interfering with the civil dispute between the petitioner and the 3rd respondent, which is pending in OS No.103/2025 on the file of the District Munsif Court, Namakkal.

For Petitioner:

Mr.N.Manoharan

For Respondents:

Mr.R.Ganesh Kumar

Counsel for Government of Tamil Nadu
(Criminal Side) for R1 and R2

Mr.G.Ramesh for R4, R6, R7, R10 to R16

Mr.R.Imayavaramban

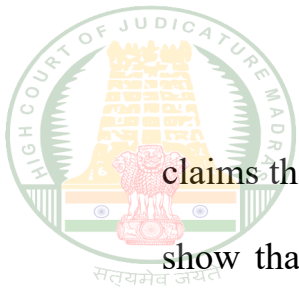
for M/s.Ramalingam Associates for R3

ORDER

This Writ Petition (Criminal) has been filed challenging the order dated 19.07.2025 passed by the first respondent, thereby directing the 'A' party and 'B' party to maintain status quo.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner owned 2.82 acres of land comprised in S.F.No.67/A2, situated at Valaiyapatti Village, Mohanur Taluk, Namakkal District, as per the final decree dated 09.12.2023 made in O.S.No.442 of 2023 on the file of the Additional Sub Court, Namakkal. In the said land, the petitioner formed a cart track on the western boundary of the subject land and



claims that it is an exclusive private cart track . There are no revenue records to show that the said cart track is reflected in the FMB or 'A' Register. While being so, the third respondent, who is the owner of S.F.Nos.69/1A, 607/1A and 608/1C, along with respondents 4 to 16 herein, intended to use the said cart track as a public pathway.

4. According to the petitioner, there is an alternative cart track providing access to the lands of the respondents and therefore, they need not use the petitioner's private cart track. In this regard, the third respondent also filed a suit in O.S.No.103 of 2025 on the file of the District Munsif Court, Namakkal, against the petitioner and 11 others including the respondents 4 to 8 herein, seeking a permanent injunction restraining them from interfering with his right to use the disputed suit cart track. He also filed a petition seeking interim injunction and it is pending without any interim order.

5. Having already filed the suit, the third respondent lodged a complaint before the second respondent and the same has been forwarded to the first respondent to initiate proceedings under Section 164 of Bharatiya Nagarik Suraksha Sanhita, 2023. Though the first respondent recorded that the suit filed by the third respondent is still pending in O.S.No.103 of 2025 on the file of the District Munsif Court, Namakkal, considering the dispute with regard to the pathway, the first respondent passed the impugned order directing both parties



to maintain status quo and also mentioned the pathway as 'Boosthithi pathai' as if it was found in the revenue records. Further, it was recorded that if the pathway is closed, the agriculturists could not be able to reach their respective land and it would affect their livelihood.

6. Admittedly, the third respondent filed a suit and the same is pending without any interim order. After having failed to obtain any interim order of injunction against the petitioner from the Civil Court, the third respondent lodged a complaint before the second respondent and the same was forwarded to the first respondent under Section 164 of Bharatiya Nagarik Suraksha Sanhita, 2023. The Hon'ble Supreme Court of India and this Court repeatedly held that once the Civil Court seized of the matter, the first respondent has no jurisdiction or power to initiate proceedings under Section 164 of Bharatiya Nagarik Suraksha Sanhita, 2023. Once the Civil Court seized of the issue in respect of the property, the proceedings under Section 164 of Bharatiya Nagarik Suraksha Sanhita, 2023 cannot be continued.

7. Further, when the civil suit is pending in respect of the subject property, wherein the possession and ownership of land are involved, initiating parallel criminal proceedings under Section 164 of Bharatiya Nagarik Suraksha Sanhita, 2023 is impermissible. There is no scope to doubt or dispute the settled position that the decree of the Civil Court is binding on the Criminal Court.



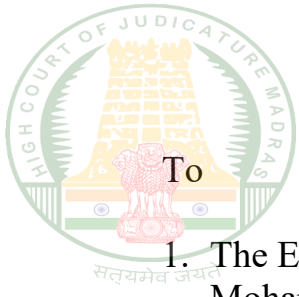
Therefore, parallel proceedings should not be permitted to continue. Though the first respondent ordered to maintain status quo, the interim injunction application is pending for adjudication before the Civil Court with regard to restraining the petitioner from interfering with the pathway allegedly used by the general public. Hence, the order of status quo passed by the first respondent cannot be sustained. That apart, on the date of admission itself, this Court granted interim order of stay of the order passed by the first respondent. Therefore, the entire proceedings initiated by the first respondent cannot be sustained and are liable to be quashed.

8. Accordingly, the order dated 19.07.2025 passed by the first respondent, is hereby quashed and this Writ Petition (Criminal) stands allowed. It is made clear that the Civil Court is directed to decide the suit, without being influenced by any of the observations made by this Court. Consequently, connected miscellaneous petitions are closed. No costs.

09-06-2026

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

LPP



To

1. The Executive Magistrate Cum Revenue Tahsildar,
Mohanur Taluk,
Namakkal District.
2. The Inspector of Police,
Mohanur Police Station,
Namakkal District.
3. The Public Prosecutor,
High Court, Madras.



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WP CrI. No. 683 of 2



G.K.ILANTHIRAIYAN J.

LPP

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and
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