



WEB COPY

CRL RC No. 1483 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-07-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

**CRL RC No. 1483 of 2024
AND CRL MP NO. 12451 OF 2024**

S.Suriya Moorthi

..Petitioner(s)

Vs

1. District Superintendent Of Police,
District Superintendent Office,
Chengalpat, Chengalpat District.

2. Inspector Of Police,
Thalk Police Station,
Chengalpat, Chengalpat District.

..Respondents

PRAYER – This Criminal Revision Case is filed under Sections 397 read with 401 of Cr.P.C., to direct the 2nd respondent to set aside the dismissal order in Crl.M.P.No.2764 of 2024 passed by the Judicial Magistrate II, Chengalpet and register the complaint of the petitioner herein dated 12.08.2024.

For Petitioner(s):

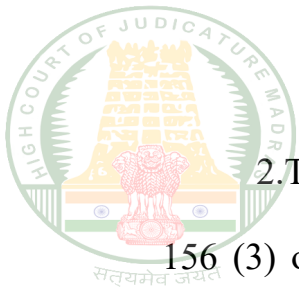
Mr.S.Suriyamoorthy
(Party-in-Person)

For Respondent(s):

Mr. M.M.I. Khaleel,
Government Advocate (Crl. Side)

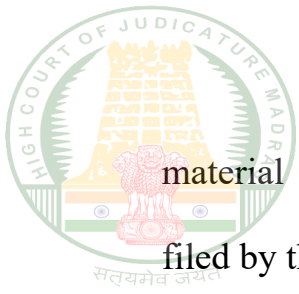
ORDER

This Criminal Revision Case is filed by the Revision Petitioner/Party in Person, to set aside the order dated, 12.08.2024, passed in Crl.M.P.No.2764 of 2024, by the Judicial Magistrate II, Chengalpet.



2.The case set up by the petitioner in his application filed under Section 156 (3) of Cr.P.C. is that one College namely Vidyasagar College located at Chengalpattu has encroached and grabbed water body in Survey No.64 as well as the land to an extent of 8,165 Sq.Ft. Thus, they have committed an offence punishable under the Indian Penal Code. To remove the aforesaid encroachment, the present application in Crl.M.P.No.2764 of 2024 under Section 156(3) of Cr.P.C. was filed for lodging FIR against the owner of the alleged Vidyasagar College. It was also stated in the application that the complaint was lodged on 30.06.2024 to the Superintendent of Police, Chengalpattu and it was later forwarded to the Inspector of Police, Chengalpattu District for action, but the Inspector neither took any action, nor filed FIR. Therefore, with no other alternative, the petitioner filed the present application for passing an appropriate order.

3.The learned Judicial Magistrate No.II,Chengalpattu, after considering the ground taken in the application filed by the petitioner under Section 156 (3) of Cr.P.C, vide order dated 12.08.2024, dismissed the same with a finding that as per the application made by the petitioner, the private person namely the alleged College has encroached the Government land. But in support of his argument, he has not filed any document. There is no evidence that the water body and land pertaining to Government has been encroached by the alleged private College. Thus, the learned Magistrate further submitted that there is no



material disposing the commission of offence and ultimately, the application filed by the petitioner was dismissed.

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4.I have considered the averments made in the affidavit filed in support of the revision, application filed by the petitioner under Section 156(3) of Cr.P.C. as well as the impugned order dated 12.08.2024, passed by the Judicial Magistrate No.II, Chengalpattu and heard the Revision Petitioner, Mr.S.Suriyamoorthy/Party in Person as well as Mr. M.M.I. Khaleel, the learned Government Advocate (Criminal Side) for the Respondent.

5.The gravamen of the petitioner's complaint is that certain private individuals have encroached upon Government land and water bodies. The petitioner admittedly claims to be a social activist and is neither the owner nor the person in possession of the subject property. It is also not his case that any legally enforceable personal or proprietary right of his has been infringed.

6.It is well settled that protection of Government lands and water bodies, identification of encroachments and eviction of encroachers are matters entrusted by the statute to the competent Revenue and other Government authorities. The relevant enactments confer adequate powers upon such authorities to initiate proceedings for removal of encroachments and restoration of Government lands. Therefore, the petitioner cannot, as a matter of course,

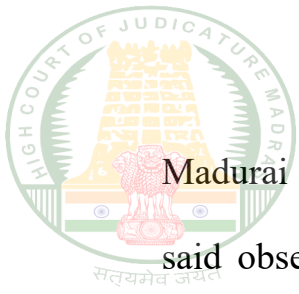


invoke the jurisdiction under Section 156(3) of Cr.P.C. seeking a direction to register an FIR against private persons merely on the allegation of encroachment of Government land.

7.The learned Magistrate, upon examining the averments contained in the complaint, has recorded a finding that the allegations do not disclose the commission of any cognizable offence. This Court does not find the said conclusion to be either perverse or suffering from any jurisdictional infirmity. Merely alleging encroachment of Government property, without disclosing the essential ingredients of a cognizable offence, cannot be a ground to direct registration of an FIR.

8.In *Sharif Ahmed Vs. State of Uttar Pradesh*, reported in **2024 SCC Online SC 726**, the Hon'ble Supreme Court reiterated that before criminal law is set in motion, the Court must satisfy itself that the factual allegations disclose the essential ingredients of the alleged offence and that criminal proceedings cannot be permitted to continue in the absence of such foundational averment. Applying the said principle to the facts of the present case, this Court finds that the complaint is bereft of the necessary factual foundation constituting any cognizable offence.

9.Though the petitioner sought to rely upon the observations made by the



Madurai Bench regarding prosecution of encroachers of Government land, the said observations cannot be construed as conferring an unfettered right upon

every third party to invoke Section 156(3) of Cr.P.C. for registration of an FIR.

The remedy against encroachment of Government land primarily lies before the competent statutory authorities, who are duty-bound to take action in accordance with law.

10.This Court also finds that the overall conduct and approach of the petitioner do not inspire confidence regarding the bona fides of the proceedings. In the absence of locus to seek the relief prayed for and in the absence of any *prima facie* disclosure of a cognizable offence, no interference with the well-reasoned order of the learned Magistrate is warranted.

11.Accordingly, this Criminal Revision Case is dismissed. Consequently, connected Miscellaneous Petition is closed.

07-07-2026

Index: Yes
Speaking order
Neutral Citation: Yes

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To

1. District Superintendent Of Police,
District Superintendent Office,
Chengalpat, Chengalpat District.
2. Inspector Of Police,
Thalk Police Station,
Chengalpat, Chengalpat District.
3. The Public Prosecutor,
Madras High Court.

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SHAMIM AHMED J.

GSA

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