

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.25910 of 2015

A.Dhanalakshmi

...Petitioner

Vs

1. State represented by
The Commissioner of Police,
Chennai City Police, Vepery,
Chennai-7.

2. State represented by
Deputy Commissioner of Police,
Adyar Range, Adyar,
Chennai - 600 020.

3. The Inspector of Police,
J-7, velachery Police Station,
Velachery,
Chennai - 600 042.

...Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.
to direct the 3rd respondent to register the complaint dated
29.09.2015 and investigate the matter.

For Petitioner : Mr.M.Palanivel

For respondents : Mr.C.Emalias,
Addl.Public Prosecutor

O R D E R

The present petition has been filed seeking a direction to
the 3rd respondent to register the complaint dated 29.09.2015 and
investigate the matter.

2. The petitioner is the house wife and her husband was a retired Junior Engineer in Corporation of Chennai. The petitioner purchased a property situated at Plot No.31, Bhuvaneswari Nagar, 3rd Cross Street, Velachery, Chennai-42, to an extent of 2475 sq.ft. from Robert Raja vide Document No.3395/1997 dated 4.2.1997 and it has been registered in the Sub-Registrar Office, Velachery. Thereafter, layout was approved by the DTCP vide approval No.152/1973 and in the approved layout, all the roads and other public utilities are clearly marked and they are existing. Earlier, the existing 20 feet road was maintained by the Town Panchayat of Velachery, and subsequently, it is merged with the Corporation of Chennai. The Corporation of Chennai also kept it as public road and maintaining the same. One Prasad Rao purchased Plot Nos.18 and 19 through sale deed Document No.1874/1998 dated 22.7.1998, in the same approved layout No.152/1973. The said Prasad Rao attempted to grab the road and he also merged the road with his property in an illegal manner with the help of Government Officials and Real Estate promoters. The petitioner has already made a complaint in this regard to the respondent. It is the further allegation of the petitioner that the said Prasad Rao along with the Corporation officials and Revenue officials, conspired together and created some fraudulent documents with an intention to grab the Government Road worth Rs.3 crores. The complaint given by the petitioner was received by the 1st respondent on 29.9.2015. The 1st respondent directed the petitioner to approach the 2nd respondent, who in turn, directed the petitioner to approach the 3rd respondent. The 3rd respondent sent a notice to the petitioner to appear before him on 6.10.2015 at 10.00 a.m., but the petitioner had received the said notice only at 11.50 a.m. on 06.10.2015. The petitioner made a request to the 3rd respondent to grant time for his appearance. Accordingly, the petitioner gave time and he appeared before the 3rd respondent on 07.10.2015 but the 3rd respondent did not allow the petitioner to put forth his grievance.

3. When the matter is taken up for consideration, learned Additional Public Prosecutor submitted that there is a dispute with regard to the pathway and the petitioner has to approach only the Civil Court.

4. Learned counsel for the petitioner denied the said submission.

5. Considering the factual aspects of the case, without going into the merits of the allegations made on either side, this Court directs the 3rd respondent to conduct an enquiry on the complaint dated 29.09.2015 given by the petitioner and dispose of the same in accordance with law. Accordingly, the criminal original petition is disposed of.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Commissioner of Police,
Chennai City Police, Vepery, Chennai-7.
2. The Deputy Commissioner of Police,
Adyar Range, Adyar, Chennai - 600 020.
3. The Inspector of Police,
J-7, Velachery Police Station,
Velachery,
Chennai - 600 042.
4. The Public Prosecutor,
High Court, Madras.

1 CC to Mr.M.Palanivel, Advocate SR.No.60853

AR II (CO)
PSI (23.11.2015)

CrI.O.P.No.25910 of 2015

WEB COPY