

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE R.S.RAMANATHAN

Crl.O.P. No.31908 of 2014

P.Dayalan

... Petitioner

vs.

The State rep.by
the Superintendent of Police,
O/o.District Superintendent of Police,
Sathuvachari,VelloreDistrict.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to direct the respondent to register a case on the basis of the petitioner's complaint dated 17.11.2014.

For Petitioner : Mr.G.Somasekar
For Respondent : MR.M.MAHARAJA,Additional Public
Prosecutor

O R D E R

It is submitted by the learned counsel for the petitioner that the petitioner's grand father, Sanjeevi Reddy, was the owner of the property in Survey No.110/1B, to an extent of 15 ¹/₃ cents, out of 46 cents and 28³/₄ cents in Survey No.110/7A out of total extent of 88 cents. However, in respect of the property in the same survey number, Visalakshiammal, Santhi and Mohana executed a sale deed in favour of Vinoth Kumar and Padam Kumar vide Document No.2350/2008 dated 30.4.2008 and on the basis of the sale deed they have obtained pattah. He therefore, submitted that the aforesaid persons taking advantage of the similarity of the grand father's name, namely, Sanjeevi, created title deeds and created bogus sale deeds and therefore, action must be taken against them.

2. It is submitted by the learned Additional Public Prosecutor that in respect of the very same property, a suit in O.S.No.28 of 2013 came to be filed and the same is pending on the file of the District Munsif, Sholingar.

3. It is seen from the Will dated 18.12.1986, the petitioner's

grand father, Sanjeevi, was the owner of property in Survey No.110/1B, to an extent of 15¹/₃ cents out of 46 cents and 28³/₄ cents out of total extent of 88 cents in Survey No.110/7A and the other properties under the sale deed dated 30.4.2008 executed in favour of Vinothkumar and another, an extent of 25 cents in Survey No.110/7A, and 19 cents in Survey No.110/7A3. It is also stated in the complaint given by the petitioner that in Survey No.110/7A was subdivided under the UDR Scheme and it was given Survey Nos.110/7A1, 110/7A2, 110/7A3.

4. Considering the fact that the petitioner's grand father was only owner of the property to an extent of 15 ¹/₃ cents out of 46 cents in Survey No.110/1B and even though sale deed dated 30.4.2008 was for 24 cents in Survey No.110/7A1 and 19 cents in Survey No.110/7A3 and as per the Will, Survey No.110/7A was having a total extent of 88 cents, it is not known whether the property belonged to the grand father of the petitioner was sold by Visalaskhiammal and others.

5. It is submitted that O.S.No.28 of 2013 on the file District Munsif, Sholingar, is pending in respect of the very same property and therefore, the petitioner has to work out his remedy before the Civil Court.

6. In the result, the petition is dismissed.

Sd/-

Asst.Registrar

/True Copy/

Sub Asst. Registrar

asvm

To

1.The Superintendent of Police,
O/o.District Superintendent of Police,
Sathuvachari,
Vellore District.

2.The Public Prosecutor,
Madras High Court, Chennai.

CRL.O.P. No.31908 of 2014

SKV(CO)
PKS
20/02/2015