

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.Nos.24102 & 25350 of 2015

A.B.Rajendran ... Petitioner in Crl.OP.24102/15

A.Yugandhar ... Petitioner in Crl.OP.25350/15

Vs

The Inspector of Police,
Land Grabbing Cell,
Office of Superintendent of Police,
Thiruvallur District. ... Respondent in Crl.OP.24102/15

1. The Superintendent of Police,
Thiruvallur District
Thiruvallur.
2. The Inspector of Police,
Land Grabbing Cell,
Office of Superintendent of Police,
Thiruvallur District,
Thiruvallur. Respondents in Crl.OP.25350/15

Prayer in Crl.O.P.No.24102 of 2015

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent to register the complaint of the petitioner, dated 27.08.2015 and investigate the same in accordance with law.

Prayer in Crl.O.P.No.25350 of 2015

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the 2nd respondent to register a case on the petitioner's complaint dated 22.07.2015 and to file a final report in accordance with law.

For Petitioner
in Crl.O.P.No.24102/2015 : Mr.R.Munuswamy

For Petitioner
in Crl.O.P.No.25350/2015 : Mr.P.Krishnan

For Respondents : Mr. C.Emalias
Additional Public Prosecutor

C O M M O N O R D E R

Crl.O.P.No.25350 of 2015 has been filed by one Yugandhar for a direction to direct the second respondent, namely, Inspector of Police, Land Grabbing Cell, Office of the Superintendent of Police, Tiruvallur District as against A.B.Rajendran on 22.07.2015.

2. Since the subject matter of both the Criminal Original Petitions are interlinked, both the Criminal Original Petitions are disposed of by way of Common Order.

3. The said A.B.Rajendran has filed Crl.O.P.No.24102 of 2015 stating that he has lodged a complaint as against said Yugandhar on 27.08.2015 with the same respondent.

4. Now, both the Original Petitions have been filed to direct the Inspector of Police, Land Grabbing Cell to register their respective complaints. In the Crl.O.P.No.25350 of 2015 filed by A.B.Rajendran, it has been stated that the lands comprised in Survey No.123/2, measuring to an extent of 0.71 acre and Survey No.123/3, measuring to an extent of 0.57 acre, totally measuring to an extent of 1.28 cents, situated at No.135, Minjur Village, Ponneri Taluk, originally owned and possessed by one Rose Chettiar and his brother Mr.Balakrishnan, Ramareddypalayam Village, Ponneri Taluk, Minjur. The said Rose Chettia and his brother Balakrishnan entered into an agreement of sale in respect of the said property with one Jayarama Reddy in the year 1973. But, unfortunately, the sale was not completed. While so, the said Balakrishnan died intestate leaving his wife Girija Ammal as his legal heir. The said Girija Ammal executed a deed of release dated 22.03.1979, vide Doc.No.1146 of 1979 by relinquishing her half share in favour of Mr.Rose Chettiar and thus Rose Chettiar become the absolute

owner of the said property. In such situation, the Jayarama Reddy died intestate leaving behind his wife Nagarathinammal and three daughters, Mrs.Girija, Kala, Shylaja. Mr.Rose Chettiar as an owner of the property has filed two suits in O.S.No.118 of 2007 and O.S.No.154 of 2007 as against the legal heirs of Jayarama Reddy in respect of the said property. The said suit ultimately ended in compromise. In pursuance of the settlement, they entered into a memorandum of understanding, dated 21.11.2012, the legal heirs of Jeyarama Reddy received money from Rose Chettiar and relinquished all their alleged claims and rights. Thereafter, Rose Chettiar had withdrawn the suits. Subsequently, he sold the property to the petitioner by way of sale deed dated 24.12.2012, registered as Doc. No.1831 of 2013. After purchase of the said property, the petitioner herein made a representation, dated 04.07.2013 to the Tahsildar, Ponneri for mutation of revenue records. Since no action was taken on the representation, the petitioner filed writ petition before this court in W.P.No.22117 of 2015 and obtained an order on 23.07.2015 directing the Tahsildar, Ponneri to take necessary action on the petition. In this situation, the petitioner received a summon from the respondent for enquiry in respect of a complaint made by one Yugendhar, who is husband of one Kala, D/o. Jayarama Reddy. It is the further case of the petitioner that the said Kala and Yugendhar have colluded together with an illegal intention to defraud the petitioner and tried to grab the property, filed a false complaint. Hence, the petitioner made a complaint on 27.08.2015 to take necessary action as against the said Yugendhar and others, for having committed offence of land grabbing by fabricating and creating documents.

5. Similarly Yugandhar has filed Crl.O.P.No.25350 of 2015 stating that A.B.Rajendran knowing that the said S.R.Rose Chettiar has no right over the property, created a forged document and registered the same on the file of S.R.O., Ponneri. Hence, he made a complaint on 22.07.2015 against A.B.Rajendran before the Inspector of Police, Land Grabbing Cell, Office of the Superintendent of Police, Thiruvallur.

6. Both the petitions have been filed to direct the respondent to conduct enquiry to their respective complaints and further proceed in accordance with law.

7. I have heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondents.

8. Considering the submissions made on either side and also the factual aspects, this Court is of the opinion that it is appropriate to direct the respondent/Inspector of Police, Land Grabbing Cell, Thiruvallur, to conduct an enquiry on both the complaints and upon enquiry, if materials are gathered indicating commission of any cognizable offence, he is directed to proceed further in accordance with law, as early as possible. During the course of enquiry, if the respondent comes to the conclusion the dispute is civil in nature, the respondent is directed to pass an appropriate order on the said complaint of the petitioners.

9. This criminal original petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The Inspector of Police,
Land Grabbing Cell,
Thiruvallur.
2. The Superintendent of Police,
Thiruvallur.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.Krishnan, Advocate, S.R.No.63656
+1cc to Mr.R.Munuswamy, Advocate, S.R.No.64026

CrI.O.P.Nos.24102 & 25350 of 2015

RSK(CO)
CA(04/01/2016)