

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 17.12.2014

DELIVERED ON : 16.03.2015

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

CRL.O.P.No.16400 of 2014

A.Sridevi
W/o.L.S.Abhinesha Babu
represented by Power Agent
D.Srinivas,
No.32, Nathamuni Street,
Naduvankarai,
Anna Nagar,
Chennai - 600 040.

...Petitioner

vs.

1. State represented by
The Inspector of Police,
Team - 16-A, CCB,
E.V.K.Sampath Road,
Vepery, Chennai - 600 007.

2. The Sub-Registrar,
SRO, Saidapet,
Chennai.

(impleaded the second respondent
as per order of this Court dated
04.07.2014)

...Respondents

Criminal Original Petition filed under section 482 of the Criminal Procedure Code to direct the first respondent to register the petitioner's complaint dated 11.12.2013 pending on the file of respondent.

For Petitioner : Mr.N.R.Elango, senior counsel
for Mr.Yuvaraj Mohan Kumar

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

Petitioner seeks a direction to first respondent to register her complaint dated 11.12.2013 pending on his file.

2. It is the case of petitioner that her husband purchased various properties at Kottur Village. One such property is situated at T.S.No.140 corresponding to Old S.No.96/3B5, Block No.15, Erikkarai Street, Kottur, Chennai - 600 085, measuring an extent of 2 grounds and 2170 sq.ft. Petitioner's husband also obtained patta in his favour. One Munusamy Naicker was the original owner of the said property, which earlier was described as Inam land and had been taken over by Government under the provision of Minor Inams (Abolition and Conversion into Ryotwari) Act. The Settlement Thasildar, Chinglepet, who is the competent authority under the said Act, had issued patta to the said land in favour of Munusamy Naicker in keeping with Section 13(1) of the said Act as early as in the year 1971. Munusamy Naicker had two children, a son and daughter. His son viz., Chinna Paiyan alias Munusamy, predeceased his father, unmarried. On 26.01.1973, the said Munusamy Naicker died intestate, leaving behind his wife and daughter as legal heirs. They have sold the said property to one R.Sambandam vide Document No.460/1974 who obtained patta, and in turn sold such property to one Raman vide document No.1539/1995. The said Raman sold the same to one R.Ramakrishnan, from whom petitioner's husband purchased the subject property on 30.01.2006 for a sum of Rs.34,85,000/- under sale deed No.160/06 and he has also obtained patta in his favour. Thereafter, he settled the property in favour of petitioner. However, one Arunachalam, claiming himself to be an agreement holder of some persons, by exhibiting some forged documents in respect of the subject property, threatened petitioner's husband and insisted that he vacate the same. There was no encumbrance over the subject property at the time of purchase by petitioner's husband. However, in the records produced by the said Arunachalam, there was some insertion as if one Chiti Babu, Sridhar and others have executed sale deed in favour of one Deverajan vide document No.2702/1983, who in turn mortgaged the same in favour of the above said persons. Therefore, petitioner alleges that the persons, who have no right over the subject property, in collusion with the said Arunachalam are interfering with the peaceful possession of the property by petitioner. Alleging as above, petitioner preferred a complaint dated 11.12.2013 before the Commissioner of Police, E.V.K.Sampath Road, Vepery, Chennai. After preference of such complaint, the above said persons assaulted petitioner's security personnel and tried to enter into the subject property forcibly. The complaint of the petitioner has been transferred to the file of first respondent.

Seeking a direction to the first respondent to register her complaint dated 11.12.2013, petitioner has filed this petition.

3. Heard Mr.N.R.Elango, learned senior counsel for petitioner and Mr.C.Emalias, learned Additional Public Prosecutor.

4. In support of her contention, petitioner, by way of typed set of papers, filed copy of Sale Deeds, Pattas, Settlement Deed, Mortgage deed and Encumbrance Certificate.

5. Learned Senior Counsel submitted that a wrongful practice of making interpolation in Book-I held at the Registrar's Office towards supporting false claims of title to property is being followed and the same would be discernible on perusing such book regarding document Nos.285 and 373 of 1945, Sub Registrar's Office, Saidapet, Chennai.

6. Such Sub Registrar Office has been impleaded as second respondent and he was required to produce relevant book - 1. On perusal thereof, this Court found no support for the allegations levelled. Leaving it open to the petitioner to workout her remedy before the civil forum, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Inspector of Police,
Team - 16-A, CCB,
E.V.K.Sampath Road,
Vepery, Chennai - 600 007.
2. The Sub-Registrar,
SRO, Saidapet,
Chennai.

3. The Public Prosecutor,
High Court,
Madras.

1 CC to Mr.Yuvaraj Mohan Kumar, Advocate SR.No. 15291

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AK (CO)
PSI (01.04.2015)



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