

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2015

CORAM:

THE HON'BLE Mr.JUSTICE R.SUBBIAH

Cr1.O.P.No.27651 of 2015

G. Velraj

... Petitioner

Vs.

- 1.The Superintendent of Police,
Kancheepuram,
Kancheepuram District.
2. The Inspector of Police,
Special Wing of Land Grabbing Cell,
Office of the Superintendent of Police,
Kancheepuram,
Kancheepuram District.
- 3.The Inspector of Police,
Sriperumbudur Police Station,
Sriperumbudur,
Kancheepuram District.

(R3 Impleaded as per order dt.30.11.2015

made in MP.1/15 in Cr1.O.P.No.27651/15 ... Respondents

This Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure praying to direct the respondents to register a case FIR against the said R.A.D.Karunanidhi, Mr.A.Mukundan, Power Agent, Mrs.Lakshi, M.Srinivasan, Mrs.Kothai @ Kothai Nayaki and Mrs.Ammu in accordance with law based on the petitioner's complaint dated 22.12.2014 pending before the respondents herein.

For Petitioner : Mr.G.Ramadurai

For Respondents: Mr.C.Emalias

Additional Public Prosecutor

ORDER

This petition has been filed for a direction to the respondents to register a case FIR against the accused persons in accordance with law based on the petitioner's complaint dated 22.12.2014 pending before the respondents herein.

2. The case of the petitioner is that the father of the petitioner namely T.Ganesan purchased the properties bearing Plot Nos.185 and 186, Kalashetra Nagar, comprised in S.No.:47/1 and S.No.46 & 47/7 situated in Balanallur Village, Sriperumpudur Taluk, Kancheepuram District from one Pioneer Builders by its partner A.L.Subash by registered Sale deed bearing Doc. Nos.5933/1985 and 5930/1985 respectively. Since the date of purchase, the petitioner has been in enjoyment of the property without any interference up to the taking over the lands by Land Acquisition for SIPCOT. All of a sudden on 07.05.2010, the Special Tahsildhar issued a notice under Land Acquisition Act for SIPCOT Expansion Scheme Unit - II, with regard to above said properties and pursuant to the same, the petitioner has attended the enquiry and finally he attended the enquiry on 15.09.2014 before the Special Tahsildar. Pending above said enquiry, the petitioner's father T.Ganesan died on 25.5.2014 and hence the petitioner has attended enquiry on all the dates as a legal heir and produced all the relevant documents relating to the said properties and the petitioner gave a consent for receiving compensation of Rs.6 lakhs for each plot, totally Rs.12 lakhs.

3. On 15.09.2014, the Special Tahsildhar issued a notice to the petitioner for enquiry on 29.09.2014 with regard to the objection filed by third parties namely R.A.D.Karunanidhi and R.Mukundan. The petitioner came to know from the records and information obtained under R.T.I Acts, on 12.2.2009, that one R.Mukundan Power Agent of Mrs.Lakshmi, M.Srinivasan, Mrs.Kothai @ Kothai Nayaki and Mrs.Ammu sold the properties in plot Nos.184 and 185 to one R.A.D.Karunanidhi by registered Sale Deed dated 12.2.2009 bearing Doc. No.: 1202 of 2009. But subsequently on 31.10.2011, the vendors through their Power Agent R.Mukundan registered Cancellation of Sale Deed dated 12.2.2009 in favour of the purchaser R.A.D.Karunanidhi bearing Doc.No.:3012/2011 due to mistake of facts and confusion in the identification of the plots. Thus the third parties R.A.D.Karunanidhi and M.Kukundan, who have no rights in the petitioner's plot Nos.185 and 186 had created registered documents. The said third parties purposely created the said forged documents without having any title rights, in order to get compensation by way of illegal activities. Hence the petitioner issued a legal notice to the third parties and all vendors in the sale deed. But, till date, they have not replied to the petitioner's legal notice. At the same time, the said accused are claiming the said compensation amount based on the forged documents. Hence, the petitioner lodged a complaint against the accused persons on 22.12.2014 under Land Grabbing Act before the first respondent. But, till date, no action has been taken on the said complaint. Hence, the petitioner has come forward with the present petition.

4. I have heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor.

5. When the matter was taken up for consideration, the learned Additional Public Prosecutor submitted that the matter is purely civil in nature and thus opposed for granting any direction. The learned counsel for the petitioner denies the same and submitted that there is an element of cheating on the part of the counter petitioners.

6. Irrespective of the submissions made on either side, this Court directs the second respondent to conduct enquiry on the complaint of the petitioner dated 22.12.2014 and upon enquiry, if materials are gathered indicating commission of any cognizable offence, the respondent is directed to proceed further in accordance with law, as early as possible. If he comes to the conclusion that the matter is purely civil in nature, he is directed to pass an appropriate order on the complaint of the petitioner, in accordance with law.

7. With the above directions, the Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vrc
To

- 1.The Superintendent of Police,
Kancheepuram,
Kancheepuram District.
2. The Inspector of Police,
Special Wing of Land Grabbing Cell,
Office of the Superintendent of Police,
Kancheepuram,
Kancheepuram District.
- 3.The Inspector of Police,
Sriperumbudur Police Station,
Sriperumbudur,
Kancheepuram District.
- 4.The Public Prosecutor
High Court, Madras.

+ 1 cc to MR.G. Ramadurai, Advocate SR.67320

Cr1.O.P.No.27651 of 2015

SVI (CO)
EU 05.1.15