

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.28023 of 2015

R.Sreedhar

...Petitioner

Vs.

1. The Commissioner of Police,
Police Commissioner Office,
Vepery, Chennai.

2.State, Rep by its
Inspector of Police (Crime),
K-5 Peravallur Police Station,
Peravallur,
Chennai 600 082.

3.State, Rep by its
Inspector of Police,
Land Grabbing Cell,
Office of Commissioner of Police,
Vepery, Chennai.

...Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. prayed to direct the respondent police to register the FIR as against the Acharapakkam Ex-MLA, Mrs. Sankari Narayanan, Rajagopal, Williams and Susila Pattabiraman as per complaint dated 05.11.2015 for the above said offences.

For Petitioner : Mr.D.S.Ramesh

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

O R D E R

This petition has been filed to direct the respondent police to register the FIR as against the Acharapakkam Ex-MLA. Sankari Narayanan, Rajagopal, Williams and Susila Pattabiraman as per complaint dated 05.11.2015.

2. In the petition, it has been stated the petitioner's father Venugopal Naidu purchased property measuring 7088 sq.ft. at Ayanavaram Village through registered sale deed vide document No.3246/1971 from one Munusamy Mudhaliar and others on 5.7.1971. After his death, the petitioner's mother and sister are enjoying the property as absolute owners. The petitioner's father died on 31.12.2008. During his lifetime, he filed a case for permanent injunction, not to disturb the peaceful possession of the above said property. After the demise of the petitioner's father, the petitioner is contesting the said case. The petitioner herein gave a representation dated 20.05.2015 for change of patta of the land and to survey the land and to lay boundary stones for the property. The petitioner also paid necessary fees for the same. Since the Tahsildar did not consider the same, the petitioner filed a writ petition in W.P.No.25545 of 2015 before this Court and this Court directed the Thasildar to consider the representation and pass appropriate orders. Based on the direction given by this Court, the Tahsildar, surveyed the land and laid boundary stones for the property. At that time, it was found that 3/4th of the property was encroached by one Mrs.Sankari Narayanan, Rajagopal, Williams and Susila Pattabiraman. Hence, he lodged a complaint before the respondent police on 05.11.2015. Since the said complaint was not taken on file, the present petition is filed.

3. When the matter is taken up for consideration, the learned Additional Public Prosecutor submitted that the complaint is pending before the 2nd respondent, Peravallur Police Station but the proper authority is the Land Grabbing Cell. Therefore, if a complaint is given to the Land Grabbing Cell, necessary action will be taken.

4. At this juncture, learned counsel representing the counter petitioners submitted that the counter petitioners were in possession of the said land for more than 40 years and he further submitted that the matter is civil in nature.

5. Irrespective of the submissions made on either side, this Court directs the petitioner to give a fresh complaint to the concerned authority of Land Grabbing Cell, Chennai, along with a copy of this order within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the concerned authority is directed to enquire the matter and if the materials gathered indicates any cognizable offence, he is directed to proceed further in accordance with law. In the course of investigation, if no prima facie is made out or the matter is civil in nature, he is directed to pass appropriate orders on the complaint made by the petitioner.

6. The criminal original petition is disposed of accordingly.

vsi

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Commissioner of Police,
Police Commissioner Office,
Vepery, Chennai.

2. Inspector of Police (Crime),
State,
K-5 Peravallur Police Station,
Peravallur,
Chennai 600 082.

3. The Inspector of Police,
State,
Land Grabbing Cell,
Office of Commissioner of Police,
Vepery, Chennai.

4. The Public Prosecutor, High Court, Madras.

+ 2 CCS TO Mr.D.S.Ramesh, Advocate SR NOS.64134, 63247.

TM/CO
KR/14/12

सत्यमेव जयते

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