

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.28833 of 2015

G.Daisy Rani

... Petitioner

Vs

1. The Commissioner of Police,
Chennai City,
Vepery, Chennai - 600 007.

2. The Inspector of Police,
K-11, C.M.B.T Police Station,
Koyambedu, Chennai.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second respondent to register a case on the complaint dated 13.11.2015 in C.S.R.No.448/2015 given by the petitioner.

For Petitioner : Mr.K.Venkatasubramani
for Mr.V.Devendhiran

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

ORDER

This petition has been filed to direct the second respondent to register a case on the complaint dated 13.11.2015 in C.S.R.No.448/2015 given by the petitioner.

2. The petitioner is the absolute owner of the property bearing Plot No.5, measuring an extent of 3000 sq.ft. situated in Survey No.11/2 part of Koyambedu Village, Chennai having purchased through a sale deed dated 02.09.1985 registered as Document No.3235 of 1985 on the file of Sub-Registrar, Anna Nagar from one Darius P.Lawyer and 2 others for valuable consideration. Patta and chitta was issued for the said property. Subsequently, after the Koyembedu village in Chengalpet District merged with Chennai District, all the properties were assigned Town Survey Numbers. The petitioner property situated at S.No.19/2 having total extent of 3.47 acres was later sub divided and assigned as R.S.No.19/10 and now it has been assigned as T.S.No.1/1 part. Originally, Survey No.19/2 measuring an extent of 4.27 acres belonged to Tarapore and Company. The Tamilnadu Government

issued notification on 6.10.1997 acquiring the entire 4.27 acres from the company for formation of 100 feet road and subsequently, the same was withdrawn on 19.11.1982 in respect to 3.47 acres in S.No.19/2 and the balance lands were used for formation of 100 feet road. The company executed release deed on 22.4.1968 in favour of P.J.Lawyer and Arunachalam in respect of 3.25 acres in S.No.19/2 and the petitioner had purchased the above property from the son of P.J.Lawyer after the death of P.J.Lawyer. While so, one Indirani and Gopinath, the legal heirs of one Thangaraj, son of Dharmalingam has executed a power of attorney deed dated 25.09.2013 in favour of one Mohanasundaram and Jayamurugan including the properties in S.No.19/2 which they traced title that the property belongs to their grandfather Dharmalingam who has got the property through partition deed along with his brothers. But those properties are situated in S.No.40/2 and 40/6 and even those lands have been conveyed to Tarapore and company and patta stands in the name of the said company in S.No.40/2. The said Indarani and Gopinath do not have any right in S.No.40/2 and 40/6 and now, they are creating document to include even S.No.19/2 in their document. On 13.11.2015, one Koyambedu Mahesh, Indarani and Gopinath, Ravi, who is the Chairman of "SRM Travel and Groups, one Hari, Sivaraman (CEO), Gowtham and more than 10 persons entered into the petitioner's property and attempted to break the compound wall. Immediately, the petitioner lodged a complaint before the 2nd respondent police and the same was received in C.S.R.No.448 of 2015. Since no action has been taken so far, the present petition has been filed.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. Learned Additional Public Prosecutor submitted that on receipt of the complaint, C.S.R.No.448/2015 has been assigned and the matter is pending enquiry.

5. Considering the submissions made on either side, this Court directs the second respondent police to conduct enquiry on the complaint of the petitioner dated 13.11.2015 in C.S.R.No.448/2015 and upon enquiry, if the materials are gathered indicating any cognizable offence, he is directed to proceed further in accordance with law as early as possible.

6. The criminal original petition is disposed of accordingly.
vsi

Sd/-
Assistant Registrar

/True Copy/

Sub-Assistant Registrar

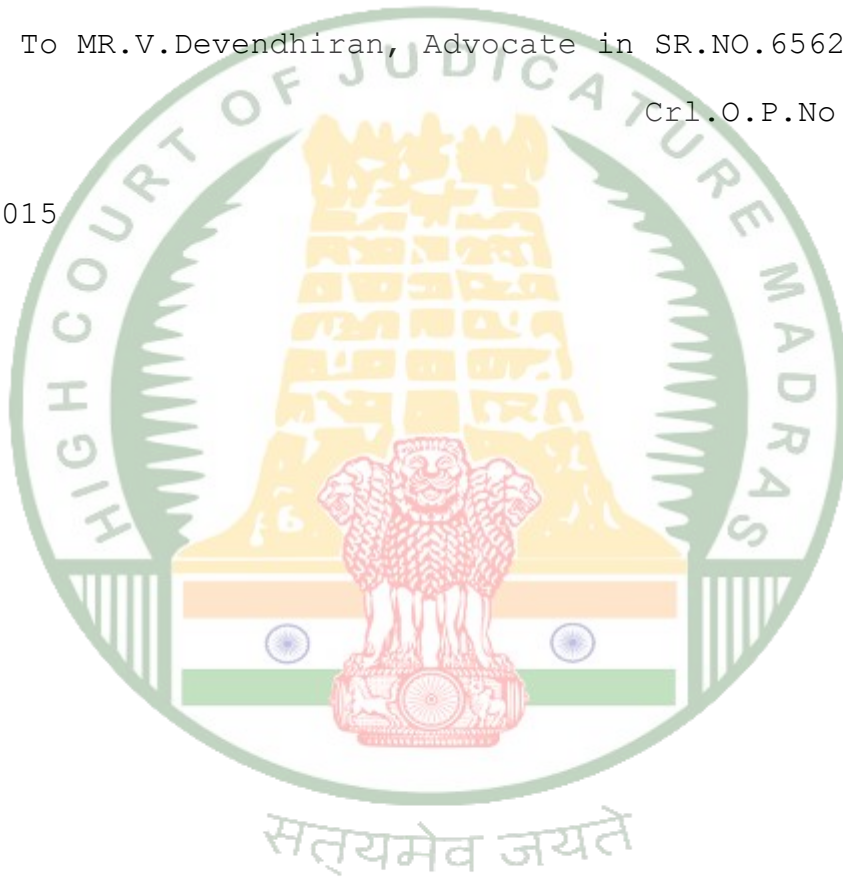
To

1. The Commissioner of Police,
Chennai City,
Vepery, Chennai - 600 007.
2. The Inspector of Police,
K-11, C.M.B.T Police Station,
Koyambedu, Chennai.
3. The Public Prosecutor,
High Court, Madras.

+1 C.C. To MR.V.Devendhiran, Advocate in SR.NO.65621

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VSN(CO)
sd : 29/12/2015



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