

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2015

CORAM:

THE HON'BLE Mr.JUSTICE R.SUBBIAH

Crl.O.P.No.29005 of 2015

P.Kuppan

... Petitioner

Vs.

1.The Superintendent of Police
Ootacamund
The Nilgiris District.

2.The Deputy Superintendent of Police
Coonoor
The Nilgiris District.

3.Inspector of Police,
Wellington Police Station,
The Nilgiris District.

.... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the first respondent to entrust the investigation in Wellington P.S. Crime No.124/2015 to a Deputy Superintendent of Police in The Nilgiris District, other than the second respondent and to file final report.

For Petitioner : Mr.A.Immanuel

For Respondents: Mr.C.Emalias
Additional Public Prosecutor

ORDER

This petition is filed praying for a direction to the first respondent to entrust the investigation in Wellington Police Station Crime No.124 of 2015 to a Deputy Superintendent of Police in The Nilgiris District, other than the second respondent and to file final report.

2.In the petition it is stated that the petitioner was assigned with one acre land in Survey No.578/10 in Jagathala Village, Kothagiri Taluk, The Nilgiris District by the Collector, The Nilgiris District vide R.Dis.132655/77 dated 09.03.1978 and the

petitioner paid Rs.10 on 10.03.2007 towards tax for the Fasali 1416 (English Calender Year 2007) in Patta No.29.

3.It is further stated that the Tahsildar, Kothagiri Taluk issued Patta No.29 dated 13.03.2007 for One Acre in Revised Survey No.645/9 and the petitioner was cultivating Tea in the said land. Whiles, the petitioner came to know that the Tahsildar, Kothagiri Taluk had issued Patta dated 19.06.2014 in the name of one C.O.Ramasamy and seven others in respect of petitioner's land in Survey No.645/9, Jagathala Village, Kothagiri Taluk, The Nilgiris District and hence, the petitioner submitted a representation to the Revenue Divisional Officer, Coonoor on 25.06.2014 as per Rule 14 of Tamil Nadu Patta Passbook Rules, 1987 to cancel the patta issued by the Tahsildar, Kothagiri Taluk in favour of C.O.Ramasamy and seven others in respect of the petitioner's land in Survey No.645/9, Jagathala Village, Kothagiri Taluk, The Nilgiris District.

4.It is further stated that the Revenue Divisional Officer instead of conducting enquiry, directed the Tahsildar, Kothagiri Taluk to conduct the enquiry and the Tahsildar, Kothagiri Taluk vide his letter dated 31.08.2015 directed the petitioner to attend the enquiry on 14.09.2015, but the Tahsildar, Kothagiri Taluk has not yet conducted the enquiry.

5.While situation stood thus, one Ramasamy along with his two brothers abused the petitioner in the name of his caste and hence, the petitioner submitted a complaint to the third respondent and the same was registered as FIR in Crime No.124 of 2015 for the offence punishable under Sections 3(i)(v), 3(i)(x) of SC/ST Act read with Section 120(b) of IPC on 27.06.2015. Though the complaint has been registered as FIR in Crime No.124 of 2015 as early as on 27.06.2015, till date there is no progress. Hence, this petition.

6.Today, when the matter is taken up for consideration, the learned Additional Public Prosecutor submitted that the complaint was given only four months back and the respondents are investigating into the matter and it would take some time to complete the investigation and file final report and thus opposed to grant any direction as sought for in this petition.

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

8.In view of the submissions made on either side, this Court directs the second respondent to expedite the investigation and file final report as early as possible.

9.With the above observation, this Criminal Original Petition is disposed of.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

pri

To

- 1.The Superintendent of Police
Ootacamund
The Nilgiris District.
- 2.The Deputy Superintendent of Police
Coonoor
The Nilgiris District.
- 3.The Inspector of Police,
Wellington Police Station,
The Nilgiris District.
- 4.The Public Prosecutor
High Court, Madras.

1 cc to M/s.A. Immanuvel, Advocate, Sr. 65927

Cr1.O.P.No.29005 of 2015

AK (CO)
kk 23/12

सत्यमेव जयते

WEB COPY