

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2015

CORAM:

THE HON'BLE Mr.JUSTICE R.SUBBIAH

Cr1.O.P.No.29998 of 2015

Dr.S.Soundarapandian

... Petitioner

Vs.

The Inspector of Police,
Team XVIII, CCB,
O/o.Commissioner of Police,
Vepery, Chennai - 600 007.

... Respondent

Prayer :

Criminal Original Petition filed under Section 407 of the Code of Criminal Procedure, praying to transfer the case in Cr.No.322 of 2014 pending on the file of the learned Special Land Grabbing Court - I, Periyamet, Chennai to the Court of the Learned Chief Metropolitan Magistrate Court, Egmore, Chennai.

For Petitioner : Mr.Ravindran
Senior Counsel
for M/s.Krishna Ravindran

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

ORDER

This petition is filed praying to transfer the case in Cr.No.322 of 2014 pending on the file of the learned Special Land Grabbing Court - I, Periyamet, Chennai to the Court of the Learned Chief Metropolitan Magistrate Court, Egmore, Chennai.

2.The petitioner would state that he is a practicing Doctor at Chennai specialized in Orthopedics, especially in Bone and Joint problems and founder of Bone and Joint Clinic at Anna Nagar. The petitioner and his family members own the property measuring an extent of 20,998 sq.ft i.e.,8.75 grounds (48.20 cents) bearing No.107, Koyambedu Village, comprised in Survey No.20 purchased through various sale deeds between the years 1993 and 1994.

3.It is further stated that one Kunjumol Baby filed I.A.8970 of 2013 in O.S.No.3496 of 2013 and relied on documents in which two TSLRs/ Pattas were enclosed in respect of the property bearing No.107, Koyambedu Village comprised in previous Survey No.20 as per the revenue extract PLR O.S.No.20/3, 20/4 part and as per the revenue record patta is purported to have been signed and issued by the Tahsildar of Egmore-Nungambakkam Taluk dated 09.10.1998 vide patta C.A.No.1072/98 and 1073/98 the present T.S.No.15 and 16 of Block No.55 of Koyambedu Village measuring an extent of 20.5.cents in and out of 35 cents.

4.It is further stated that the above documents are not genuine and are forged/ fabricated to enable the Kunjumol Baby to grab the lands belonging to the petitioner and his family members. It is further stated that the petitioner's counsel had filed an application under the Right to Information Act, 2005 asking for the details of TSLR marked in the above suit and a reply was received from the Public Information officer and Head Quarters Deputy Tahsildar, Egmore-Nungambakkam Taluk, Chennai - 600 031 vide letter No.A2/RTI/227/ 2013 dated 16.12.2013, wherein it is clearly mentioned that the TSLR two Pattas as stated above have not been issued by the Tahsildar office and the signature found on the same is not the signature of the Tahsildar concerned and the above Pattas are not genuine and are bogus one and that the seal and signature affixed in the above extract are also bogus ones.

5.It is further submitted that in such circumstances, the said Kunjumol Baby and her daughters are illegally trying to grab the lands of the petitioner and his family members by fabricating Government records. Hence, the petitioner lodged a complaint on 17.01.2014 to the respondents against the said Kunjumol Baby and her daughters for forgery, fabrication of Government records, cheating and for other offences. Thereafter the respondent police registered a case in Crime No.322 of 2014 for the alleged offences punishable under Sections 420, 465, 468, 467, 471, 478 r/w. 120(b) of IPC. Subsequently, the accused filed CrI.O.P.No.23836 of 2014 for anticipatory bail and by an order dated 24.11.2014 made in CrI.O.P.No.23836 of 2014, this Court dismissed the same.

6.It is further stated that even after dismissal of the CrI.O.P.No.23836 of 2014, the respondent police did not take any steps to arrest the said accused and hence, the petitioner filed CrI.O.P.No.33167 of 2014 seeking to transfer the case pending in Crime No.322 of 2014 to CBCID or any other investigating agency and as per the direction of this Hon'ble Court, another Investigation Officer namely Assistant Commissioner, CCB, Anti Land Grabbing Special Cell - I, was appointed to take up fresh investigation and since there was no proper investigation, again the petitioner filed CrI.O.P.No.26834 of 2015 praying for a

direction to transfer the case in Crime No.322 of 2014 to any other independent investigating agency. Thereafter, through the counter, the petitioner came to know that charge sheet has been filed before the Learned Special Land Grabbing Court - I, Periyamet, Chennai on 30.09.2015 and the said CrI.O.P.No.26834 of 2015 was closed.

7.It is the case of the petitioner that the nature of the crime is very serious and the accused along with several other persons have forged the Government records and created fabricated pattas and misrepresented the Court and that the respondent police ought to have filed the charge sheet before the learned Chief Metropolitan Magistrate Court, Egmore, Chennai instead of learned Special Land Grabbing Court - I, Periyamet, Chennai and prayed for transfer of the case in Crime No.322 of 2014 to the file of the Chief Metropolitan Magistrate Court, Egmore, Chennai.

8.Heard the learned Senior Counsel appearing for the petitioner and the learned Additional Public Prosecutor.

9.In view of the submissions made on either side and on perusal of the materials placed on record, this Court is inclined to grant the direction sought for by the petitioner. Hence, this Criminal Original Petition is allowed and the case in Crime No.322 of 2014 pending on the file of the learned Special Land Grabbing Court - I, Periyamet, Chennai is directed to be transferred to the Court of the Chief Metropolitan Magistrate, Egmore, Chennai.

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s/d-

Assistant Registrar (CS-VII)

True Copy

Sub-Assistant Registrar

To

1. The Presiding Officer,
Land Grabbing Court I,
Periamet, Chennai.
2. The Chief Metropolitan Magistrate,
Egmore, Chennai -8 now at
Allikulam Complex, Chennai -3.
3. The Inspector of Police,
Team XVIII, CCB,
O/o.Commissioner of Police,
Vepery, Chennai - 600 007.

4. The Public Prosecutor
High Court, Madras.

+ 1 cc to Mr.Krishna Ravindran, Advocate SR 67922

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