

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2015

CORAM:

The Hon'ble Mr.Justice R.S.Ramanathan

CRL.O.P.No.3377 of 2015

G.Janakiraman

.. Petitioner

Vs.

1. State rep. by  
Inspector of Police,  
Chengalpattu Taluk Police Station,  
Chengalpattu, kancheepuram District
2. The Sub-Inspector of Police  
Chengalpattu Taluk Police Station,  
Chengalpattu, Kancheepuram District ..Respondents.

Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent to direct the respondents police to register the complaint of the petitioner dated 28.12.2014 in CSR No.1 of 2015 dated 02.01.2015 and investigate the matter and file final report in accordance with law.

For Petitioner : Mr.G.Elanchezhian

For Respondents : Mr.M.Maharaja  
Additional Public Prosecutor

O R D E R

This petition has been filed under Section 482 of Criminal Procedure Code seeking direction upon the respondents police to register the complaint of the petitioner dated 28.12.2014 in CSR No.1 of 2015 dated 02.01.2015 and investigate the matter and file final report in accordance with law.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

3. It is seen from the complaint that one R.Ravi and S.Mathiyalagan have encroached upon the petitioner's property in Survey Nos.233/31, 233/32 and 233/33 to an extent of 27 ½ cents and therefore, they must be evicted. It is admitted that O.S.No.145 of 2009 was filed by the petitioner along with three others on the file of learned District Munsif, Chengalpattu

against M.Sandiappan, S.Veeran @ Pathayiram, M.Ranga Maestry, V.Sundaram, S.Rajalaxmi and Village Administrative Officer and in that suit, the prayer was sought for to declare the settlement deed dated 27.12.2007 executed by the 4<sup>th</sup> defendant in favour of the 5<sup>th</sup> defendant as null and void, for removing the illegal encroachments over the suit property put up by the defendants 1 and 2 and restraining other respondents/defendants from interfering with the peaceful possession and enjoyment of the property.

4. Though it is stated that the injunction was granted in that suit and the persons, who are in illegal occupation namely, Ravi and Mathiyalagan and son of defendants 3 and 1 have not been evicted. Having regard to the fact that the suit is pending in O.S.No.145 of 2009 on the file of the learned District Munsif, Chengalpattu, the petitioner has remedy in civil court and at this stage, it cannot be stated that others have encroached upon the petitioner's property. As the matter is civil in nature, this Criminal Original Petition is dismissed.

Sd/-  
Asst.Registrar (CS-III)

/true copy/

Sub Asst. Registrar

To

1. The Inspector of Police,  
Chengalpattu Taluk Police Station,  
Chengalpattu, kancheepuram District
2. The Sub-Inspector of Police  
Chengalpattu Taluk Police Station,  
Chengalpattu, Kancheepuram District
- 3 The Public Prosecutor,  
High Court of Madras,  
Chennai.

1 cc to Mr.G. Elanchezhiyan, Advocate, Sr. 8526

CRL.O.P.No.3377 of 2015

NM (CO)  
kk 26/2