

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2015

CORAM

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

Crl.O.P.No.4721 of 2015

J.Hussain Sheriff
S/o.Mr.S.Johny Basha
Rep. By his Power of Attorney
Mr.A.Akmal Basha
S/o.Mr.B.Asmath Basha
No.51/9, Bharathi Nagar 2nd Street
Krishnagiri- 635 001 ...Petitioner

vs.

The Inspector of Police
Anti-land grabbing Cell
Krishnagiri District ...Respondent

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to direct the respondent to register the complaint of the petitioner dated 28.02.2011 based on the report furnished by the Tahsildar, Krishnagiri.

For Petitioner : Mr.M.Baskaran
For Respondent : Mr.M.Maharaja
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the respondent to register the complaint given by the petitioner dated 28.02.2011.

2. It is submitted by the learned counsel for the petitioner that the petitioner is the Power of Attorney of the owner of the property in S.No.816, Paiyur Village of an extent of 81 cents. Originally, the property belonged to Chockalingam Chettiar and Chockalingam Chettiar gave power in favour of the petitioner in the year 2010 and by virtue of the power, the petitioner sold the property having an extent of 81 cents to John Bhazha in the year 2007 and also obtained power from John Bhazha to manage the property. He further submitted that Arumugam, Govindasamy and others trespassed into the property and therefore, he gave a complaint to the Inspector of Police and no action was taken. He also submitted that the

Tahsildar, Krishnagiri in his report dated 10.12.2014 stated that the said Arumugam, Govindasamy and four others have no title over the property, but they were in possession of the property. As the petitioner is the power agent of the lawful owner and others have committed trespass without any title, the police ought to have registered a case against the said Arumugam, Govindasamy and four others under the Land Grabbing Act.

3. The learned Additional Public Prosecutor submitted that the case was enquired into and found to be civil in nature as civil suits are pending between the parties. He also submitted that as per the report of the Tahsildar, Arumugam, Govindasamy and four others are in possession of the property and the petitioner while obtaining power from Chockalingam Chettiar did not specify the extent of the property and the petitioner sold 81 cents of property in S.No.816 of Paiyur Village to John Bazha and got the power and when the petitioner was asked to produce the documents to prove his title, he did not come forward with the documents. He further submitted Govindasamy filed O.S.No.9 of 2014 against the petitioner for recovery of money and also obtained order of attachment and considering all these aspects, the police closed the case as no criminal offence is made out.

4. I have gone through the report of the Tahsildar dated 26.05.2014 and December 2014. As per the report of the Tahsildar dated 26.05.2014, the property in S.No.816 stands in the name of Chockalingam Chettiar and 39 persons and there is no sub-division. Hence, Chockalingam Chettiar gave power to the petitioner in the year 2005 without mentioning the extent of property over which the petitioner can act as a power agent. However, the petitioner sold 81 cents of property in S.No.816 to John Bazha in the year 2007 and also obtained power from John Bazha. It is also seen from the report of the Tahsildar in the month of December 2014 that Arumugam, Govindasamy and four others are in possession of the property. Therefore, if the petitioner has got any right of title over the property, it is open to the petitioner to prove the same by producing documents and the matter was rightly closed by the respondent police.

Accordingly, the Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar
Dated:11.3.15

True Copy

Sub Assistant Registrar

To

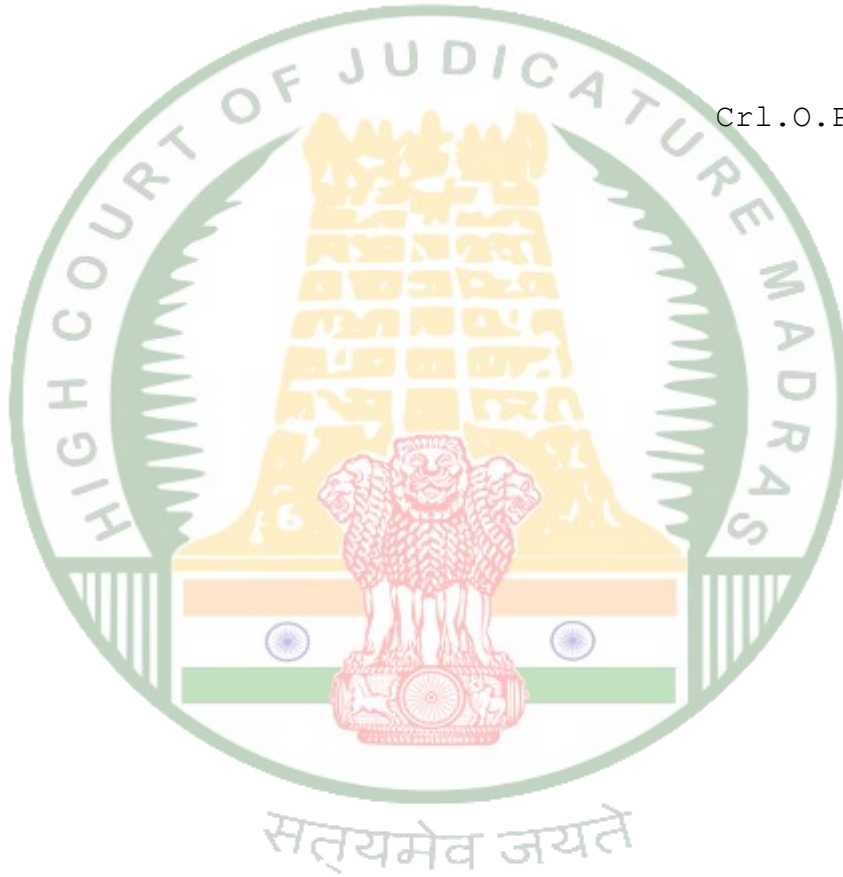
1. The Inspector of Police
Anti-land grabbing Cell
Krishnagiri District

2. The Public Prosecutor
High Court, Madras.

+1 cc to Mr.M.baskaran, Advocate, SR.11496.

rj(co)
krd 12/3

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