

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2015

The Hon'ble Mr.Justice P.N.Prakash

CRL.O.P.No.7475 of 2015

R.Lakshmidevi

.. Petitioner

Vs.

The Deputy Commissioner of Police,
Anti- Land Grabbing Cell,
Central Crime Branch,
Office of the Commissioner of Police,
Chennai.

.. Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent/Police to register a case on the basis of the complaint given by the petitioner on 04.07.2014.

For Petitioner : Mr.R.Vivekananthan
For Respondent : Mr. C.Emalias
Additional Public Prosecutor

O R D E R

The petitioner seeks direction upon the respondent/Police to register a case on her complaint, dated 04.07.2014.

2. Heard the learned counsel appearing for the petitioner and the Additional Public Prosecutor, representing the respondent/Police.

3. It is the case of the petitioner that she purchased a property from one M.G.Venugopal in the year, 1986. The property, in question, originally belonged to Tamil Nadu Housing Board and it was allotted in favour of the said Venugopal. As per terms of the allotment, the allottee should not alienate the property within a period of five years from the date of allotment made in his/her favour. It appears that the said Venugopal had sold the property in favour of the petitioner, under the sale deed, dated 09.01.1986, registered as Document No.58 of 1986. Thereafter, the petitioner constructed ground and first floor, as per the plan approved by the Government, and has been in peaceful possession and enjoyment of the same. It appears that after the death of vendor/Venugopal, his wife/Porkodi and his son/Senthil are claiming right over the same, as theirs. It is also alleged that when the petitioner went to her native place, the aforesaid Porkodi and Senthil, in collusion with Priya, who has been induced into the ground floor as tenant, occupied the ground floor. Hence, the petitioner has lodged the present complaint, pursuant to which, investigation was conducted and closed.

4. The learned counsel appearing for the petitioner submitted that the Officials of the TNHB also colluded in showing undue favour to her by registering a rectification deed in her favour on 22.03.2013. By virtue of the said rectification deed, the said Porkodi is claiming ownership over the the property.

5. On a reading of the petitioner's complaint, it is seen that the matter appears to be civil in nature and the parties are claiming right/title/interest over the property in question on the basis of various documents in their favour, the validity of which, can be determined only in the civil proceedings. As no criminal offence is made out, this Criminal Original Petition is closed, with liberty to the petitioner to work out her remedy, before appropriate forum, so to say Civil Court by filing suit for declaration of right over the property.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sd
To

- 1 The Deputy Commissioner of Police,
Anti- Land Grabbing Cell,
Central Crime Branch,
Office of the Commissioner of Police,
Chennai.
2. The Public Prosecutor,
High Court of Madras, Chennai.

सत्यमेव जयते

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