

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP No.9133 of 2015

P.Balashanmugam

..

Petitioner

Vs

State of Tamil Nadu, Rep by.

The Inspector of Police (L&O)

J-9, Thoraipakkam Police Station,

Chennai-600 097.

..

Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct the respondent Police to register the complaint of the petitioner dated 20.02.2015 lodged with the respondent Police and investigate the same in accordance with law.

For Petitioner :Mr.Ganesan

For Respondent :Mr.C.Emalias

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed praying to direct the respondent Police to register the complaint of the petitioner dated 20.02.2015 lodged with the respondent Police and investigate the same in accordance with law.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3. It is seen that the petitioner is claiming ownership of the land of 308 sq.ft., over which it is alleged that the Corporation has built a tar road. In this regard, the Tahsildar has conducted an enquiry and submitted a report in which, he has stated that the parties have to establish their rights before the Civil Court by filing an appropriate suit.

4. The learned counsel for the petitioner submitted that Corporation has illegally demolished the compound wall that was built by the petitioner, adjoining the road. But on a reading of the Tahsildar's report, there is no reference to the presence of the compound wall in that area and only after Tahsildar's order, the compound wall, which is said to be demolished by the Corporation, appears to have been constructed. The Tahsildar has directed the party to approach the Civil Court for establishing his rights. Therefore, the petitioner ought to have approached the Civil Court.

5. In the meantime, the Police have conducted an enquiry and closed the same as civil in nature and the copy of the closure report is furnished to the learned counsel for the petitioner.

6. The learned counsel for the petitioner submits that the petitioner was never called for enquiry and a report has been given by the Police about which he is aggrieved. Hence, the copy of the closure report is furnished to the learned counsel for the petitioner across the bar.

7. With the above observation, this Criminal Original Petition is closed with liberty to the petitioner to work out his remedy in the manner known to law.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. State of Tamil Nadu, Rep by.
The Inspector of Police (L&O)
J-9, Thoraipakkam Police Station,
Chennai-600 097.

2. The Public Prosecutor
High Court, Madras.

Sv(co)
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सत्यमेव जयते

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