

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2015

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.9043 of 2015
& M.P.Nos.1 & 2 of 2015

1.S.Rani

2.S.Srinivasan

3.S.Balaji

4.S.Kamaladevi

Petitioners represented by their
Power Agent R.Boopalaraghavan
No.B/7, Kurinji Nagar,
Ramapuram, Chennai-600 089.

... Petitioners

Vs.

1.The Commissioner of Police,
Greater Chennai,
COP Office, Vepery,
Chennai-600 007.

2.The Inspector of Police,
Team-I, EDF-I Wing,
Central Crime Branch,
Vepery, Chennai-600 007.

3.The Registrar,
Sub Registrar Officer,
Pammal, Chennai.

4.Mr.R.Balasubramanian
5.Mr.Samuvel Killivalavan
6.Mrs.Parameshwari
7.Mrs.J.Mary Catherine
8.Mr.A.Periakaruppan
9.Mr.T.Ponraj
10.Mr.P.Harigopi
11.Mr.R.Saravanan
12.Mr.S.Mohanraj
13.Mr.S.John Prasanna
14.Mr.C.Mohammed Eliyas
15.Mr.Bala Murali

16.Mr.V.Ravindran
17.Mr.Rajesh Margabandhu
18.Mr.K.Arunachalam
19.Mr.Vanitha Rajkumar
20.Mr.V.Pandian
21.Mrs.S.Revathi
22.Mrs.S.Bhavani
23.Mrs.P.Subbaiah
24.Mrs.G.Eswari
25.Mr.K.Sivakumar
26.Mrs.S.Amudha
27.Mr.T.Palanivel
28.Mr.L.Abdul Rasheed
29.Mr.Syed Mubeenuddin
30.Mr.S.R.Vishwanath

(Respondents 4 to 30 are impleaded
as per order of MMSJ dated 13.08.2015
made in M.P.Nos.3 to 29 of 2015)

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari to call for the records of the second respondent in issuance of the letter dated 27.02.2015 directing the third respondent to stop further transaction for the property situate at Pammal Sub Taluk, Kancheepuram District, Sriperumbudur Taluk, Village No.68, Gerugambakkam Village in Patta No.294, in Survey No.757/1, measuring an extent of 7 acres 48 cents in residential plots Nos.3-7, 11, 13-18, 23-26, 51, 54, 55, 60, 62, 70, 72, 73, 80, 83, 84, 87, 88, 89-92, 97, 111-124, 129-151, 155-165, 168-172, 177-196, 205-226, 228-232, 240, 242, 251-265, 267, 273, 280, 282, 287, 288, 290, 291 & 297 in all measuring 1, 23, 843 sq.ft. and thereby, quash the letter dated 27.02.2015 issued by the second respondent herein.

For Petitioners
For Respondents

.. Mr.S.R.Rajagopal
.. Mr.P.Sanjay Gandhi,

Addl.Govt. Pleader for R1 to 3

Mr.P.J. Sri Ganesh for R4 to R30

ORDER

It appears from the records that the petitioners have been arrayed as accused in CSR.No.417 of 2014 for the alleged offence punishable under Sections 406, 420, 294(b), 506(i) read with 120(B) IPC. The petitioners are the owners of the land in dispute. The allegation against them is that the petitioners along with other accused committed the offence alleged above and investigation is pending. Pending investigation, the Investigation Officer wrote a letter on 27.02.2015 to the Sub Registrar, Pammal, Chennai, the third respondent herein, not to register any document with reference to the properties situated at Pammal Sub Taluk, Kancheepuram District,

Sriperumbudur Taluk, Village No.68, gerugambakkam Village in Patta No.294, in Survey No.757/1, measuring an extent of 7 acres 48 cents. Challenging the same, the present writ petition has been filed.

2. Today, when the matter is taken up for hearing, both the learned counsel appearing for the petitioners and the impleaded respondents submitted that they have arrived at an understanding by which, the petitioners agreed to execute the sale deed in favour of 27 persons, who have agitated their right. The learned counsel also submitted that the sale deeds are being executed notwithstanding the objections raised.

3. In view of the same, this Court is inclined to quash the impugned communication as the execution of sale deeds will not hamper the investigation. The investigation is with respect to the offences alleged against the petitioners. Now, in view of the consensus arrived at between the parties regarding the execution of sale deed and such a consent having been given by the impleaded respondents, who are the affected persons including the defacto-complainant, this court is inclined to quash the impugned proceeding dated 27.02.2015. Accordingly, the same is quashed and the writ petition is allowed. This Court make it clear that in the event of sale deed being executed by the petitioners in favour of 27 persons, who are impleaded as respondents 4 to 30 in this petition, the third respondent is at liberty to register the sale deeds subject to the other complaints. This order is passed without prejudice to the investigation that is being conducted by respondents 1 and 2. This order will not stand in the way of the petitioners to explore the possibility of appropriate remedy in accordance with law including, seeking to quash the proceeding, if any. No costs. Consequently, connected miscellaneous petitions are closed.

raa

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Commissioner of Police,
Greater Chennai, COP Office,
Vepery, Chennai-600 007.
2. The Inspector of Police,
Team-I, EDF-I Wing,
Central Crime Branch,
Vepery, Chennai-600 007.

3.The Registrar,
Sub Registrar Officer,
Pammal, Chennai.

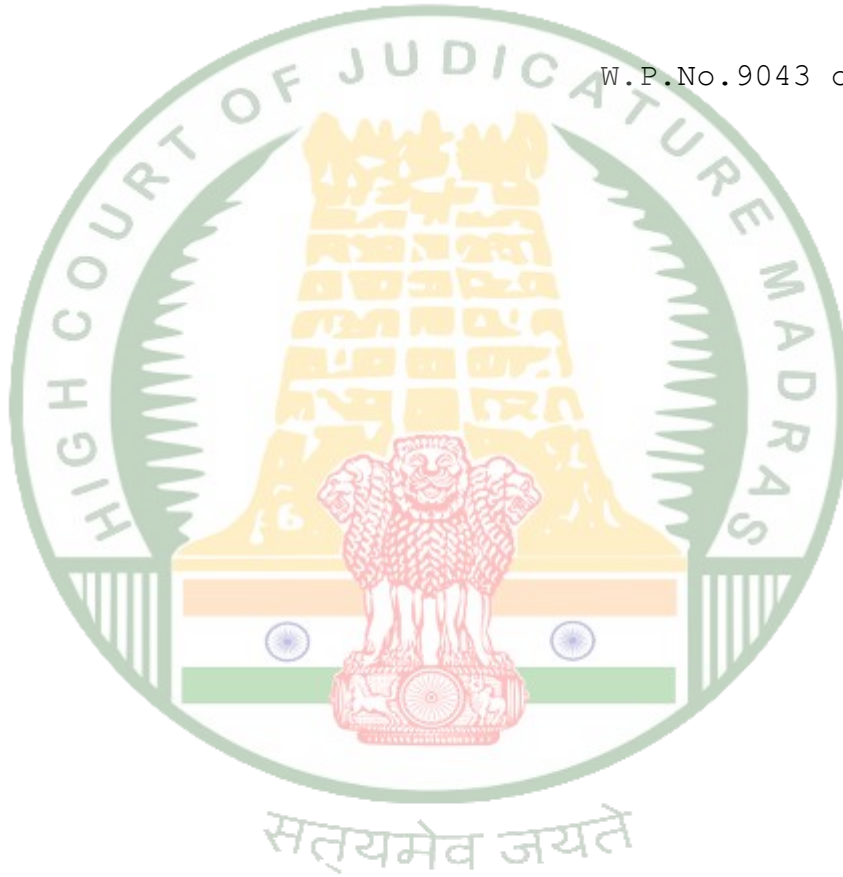
+ 1 cc to Mr.S.R.Rajagopal, Advocate SR 42567

+ 2 ccs to Mr.M.Narayanaswamy, Advocate SR 42739

+ 1 cc to Govt.Pleader SR 42820

bvr(co)
prk18/8

W.P.No.9043 of 2015



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