



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Thirteenth day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.418 of 2015

1 JEYACHANDRASEKAR

2 JOHNSON

3 GOMATHINAYAGAM

4 PERAMNAYAGASM

... PETITIONERS/ACCUSED 1 TO 4

Vs

STATE REP BY THE INSPECTOR OF POLICE

DISTRICT CRIME BRANCH, ANTI LAND GRABBING

UNIT, NAGERCOIL, KANYAKUMARI DISTRICT.

CR. NO.91/2014.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.PALANIVELAYUTHAM Advocate

For Respondent : MR.A.P.BALASUBRAMANI Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

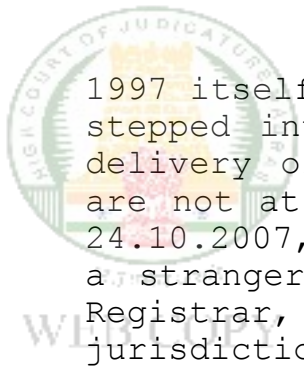
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 465, 467, 468 and 471 IPC in Crime No.91 of 2014 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the State.

3. On the direction of this Court, the Commissioner, Padmanabapuram Municipality, who is the defacto complainant in this case, was present before this Court and has filed a detailed counter.

4. The case of the prosecution is that the land in question measuring 6 cents was acquired by the Municipality from the original owners, who had mortgaged the property to one Anthony Muthu. Municipality filed a redemption suit in O.S.No.650 of 1972 against the mortgagee Anthony Muthu and the suit was decreed. The appeal and the second appeal filed by the said Anthony Muthu were also dismissed by the Court below and this Court respectively way back in



1997 itself. In the meantime, Anthony Muthu died and his legal heirs stepped into his shoes. Municipality filed E.P.No.178 of 2000 for delivery of the property. While so, these petitioners herein, who are not at all owners of the property, had created a power deed on 24.10.2007, as if they are the owners of the property, in favour of a stranger by name Johnson and got it registered with the Sub-Registrar, Eraniel, though the subject property lies within the jurisdiction of Sub-Registrar, Thuckalay.

5. According to the learned counsel for the petitioners, the property in question came into the hands of these petitioners through one Ayesha Beevi.

6. Respondent Police have also filed their counter in which in Paragraph No.4, they have clearly stated that the petitioners 2, 3 and 4 along with one Ramalignam have filed a suit for permanent injunction in O.S.No.268 of 2009 before the learned Principal District Munsiff, Padmanabapuram against the Municipality and two others, stating that the properties are trust properties, belonging to Arulmigu Vinayaga Pillai Trust and they have also obtained status quo order. In the said suit, the 1st petitioner has been made as a defendant.

7. These petitioners are taking very conflicting stand, namely, in one breath they say that they have acquired the title to the property through Ayesha Beevi and in another, they say that the properties are trust properties. On the whole, the petitioners are eyeing to grab the Municipality's property by hook or crook.

8. According to the defacto complainant, these petitioners have created several bogus documents, namely,

1. A General Power of Attorney Deed No.210 of 2007 dated 24.10.2007, executed by the accused 3 to 6 in favour of Johnson (2nd petitioner herein);
2. A Karar deed has been executed by Johnson to one Selva Kumar for Rs.16,00,000/- and an advance amount of Rs.1,00,000/- has been received by him;
3. The Karar deed was cancelled by Johnson vide Doc.No.498 of 2009 dated 07.08.2007;
4. Doc.No.99 of 2009 was executed by Johnson in favour of Chandra Sekar (A1) and the same was registered before the Sub-Registrar, Thuckalay. Even in that document, he has not stated that the property belongs to Arumuga Vinayagar Trust
5. Doc.No.500 of 2000 was executed by Johnson (A2) in favour of Jeya Chandra Sekar relating to 3 cents of land. Jeya Chandra Sekar, knowing full well that the property belongs to Municipality, has filed a W.P.No.4064 of 2010 before this Court for a direction to the Registrar to register the property. In that writ petition, he has not made Padmanabapuram Municipality as party.

<https://hcservices.ecourts.gov.in/hcservices/>

9. Thus, it is seen that all these petitioners have conspired



together and are attempting to usurp the property of the Municipality somehow. Under such circumstances, this is not a fit case to grant anticipatory bail to these petitioners. Hence, the Criminal Original Petition is dismissed.

sd/-

13/02/2015

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 2 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, ANTI LAND GRABBING UNIT,
NAGERCOIL, KANYAKUMARI DISTRICT.

ORDER

IN

CRL OP(MD) No.418 of 2015

Date :13/02/2015

AA/17.02.2015/3p- 3c/