

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.01.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.1671 of 2016

R.C.Dilli Babu

... Petitioner

Vs

1. The Inspector of Police,
Thiruvallangadu Police Station,
Thiruvallore District.

2. The Superintendent of Police,
Tiruvallore District,
Tiruvallore.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondents to register the complaint dated 20.10.2015 given by the petitioner as FIR and investigate the same within a period as fixed by this Court.

For Petitioner : Mr.V.Jeevagiridharan

For Respondents : Mr.C.Emalias

Additional Public Prosecutor

ORDER

The present criminal original petition has been filed seeking direction to the respondents to register a case on the basis of the complaint given by the petitioner dated 20.10.2015 and investigate the same within a period as fixed by this Court.

2.The case of the petitioner is that there was a proposal of the Government to construct a building viz., a service center to Manavur Villagae Panchayat in S.No.199/13, which is a Grama Natham poromboke land. Since some individuals objected the proposals, the Tahsildhar, Tiruttani conducted an enquiry on the said objections and he found that the land, on which the proposed building is planned to be constructed, is a Government Poromboke land and so, over ruled the objections of the individuals and recommended to proceed with the building proposal. On the basis of the Tahsildar's report, the District Collector of Tiruvallore District has directed the Block Development Officer, Tiruvallankadu to construct the building as planned. Based on this, the Block Development Officer passed an

order permitting the Village Panchayat to construct the building in a vacant site measuring about 1,500 sq.ft. Now, the petitioner started the construction work by digging 16 pits for erecting the pillars. On 20.10.2015 at about 04.00 p.m., one Balan and his son Rajendran objected the construction work and they closed all the sixteen pits and erected a fence around the site. When the petitioner questioned the same, they abused the petitioner in a filthy language and threatened him with dire consequences. Hence, the petitioner lodged a complaint on 20.10.2015 before the respondents. But, till date no action was taken. Hence, the petitioner has come forward with the present criminal original petition.

3.The learned Additional Public Prosecutor submitted that on receipt of the complaint of the petitioner and the counter petitioners, C.S.R.Nos.119 and 120 of 2015 have been assigned respectively and the matters are pending for enquiry.

4.I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

5.In view of the submissions made on either side, this Court directs the 1st respondent-police to conduct enquiry on the basis of the complaint given by the petitioner as well as the counter petitioners in C.S.R.Nos.119 and 120 of 2015 and upon enquiry, if materials are gathered indicating commission of any cognizable offence, the 1st respondent-police is directed to proceed further in accordance with law, as early as possible. If no prima facie case has been made out, the 1st respondent-police is at liberty to pass appropriate order on the complaint given by the petitioner and the counter petitioner.

6. This criminal original petition is disposed of accordingly.

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-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
Thiruvallangadu Police Station,
Thiruvallore District.
2. The Superintendent of Police,
Tiruvallore District,
Tiruvallore.

3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to M/s.V.Jeevagiridharan, Advocate SR 5326

vsn(co)
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Crl.O.P.No.1671 of 2015



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