

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.29633 of 2015

K.Ashokkumar

... Petitioner

Vs

State rep. by
The Inspector of Police,
CCB, Anti Land Grabbing Cell,
Vepery, Chennai-7.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent to register the case on the complaint of the petitioner dated 13.8.2015 and to investigate the matter and to file a final report.

For Petitioner : Mr.D.Prasanna

For respondent : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

The present criminal original petition has been filed seeking a direction to the respondent to register a case based on the complaint of the petitioner dated 13.8.2015 and to investigate the matter and to file a final report.

2. It is the case of the petitioner that he purchased a property comprised in Survey No.37/2, 38, 39, Plot No.108 in Kodungaiyur Village measuring to an extent of 1800 sq.ft. vide document No.1587 of 1980 on the file of Sub Registrar Office, Sembium dated 28.4.1980 from one Jayalakshmi Ammal, wife of Dhamodaran. Patta was also issued in favour of the petitioner vide Patta No.1946 by the Tahsildar, Tondiarpet. Since he planned to raise construction in the said property, he applied for encumbrance certificate. After receiving the encumbrance certificate, he came to now that the daughters and grand daughters of the said Jayalakshmi Ammal appointed one

K.Hemalatha, wife of J.Dinesh, who is none other than the grand daughter of the said Jayalakshmi Ammal, as their general power of attorney vide document No.933 of 2015 dated 16.2.2015. On the same day, the said Hemalatha as a power agent sold the property to one K.Ramu vide document No.1015 of 2015. Thereafter, the said property was sold to K.Naganathan vide document No.3584 of 2015 by the power agent Hemalatha. Hence, the petitioner lodged a complaint before the Commissioner of Police and the same was forwarded to the respondent herein. But, till date, no action was taken on the said complaint. Hence, the petition.

3. The respondent filed a counter inter alia stating that on receipt of the complaint, enquiry was conducted and it reveals that the petitioner purchased a property in plot No.108 measuring to an extent of 1800 sq.ft. from one Jayalakshmi, who is the power agent of Damodharan vide document No.1587 of 1980 dated 29.4.1980. The said document was produced by the petitioner, but power of attorney number was not mentioned in the said document. He has also not produced the power of attorney document, said to have been executed by the said Damodharan. Hence, the matter was closed on 12.12.2015 as civil in nature. Thus, the respondent sought for the dismissal of the petition.

4. Learned Additional Public Prosecutor submitted that if the petitioner produces the power of attorney document which is said to have been executed by Damodharan in favour of Jayalakshmi, the respondent is prepared to re-open the case and proceed further in accordance with law.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the petitioner to produce the power of attorney document said to have been executed by Damodharan in favour of Jayalakshmi, along with necessary documents before the respondent and on producing such documents, the respondent is directed to re-open the case and proceed further in accordance with law as early as possible. The criminal original petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

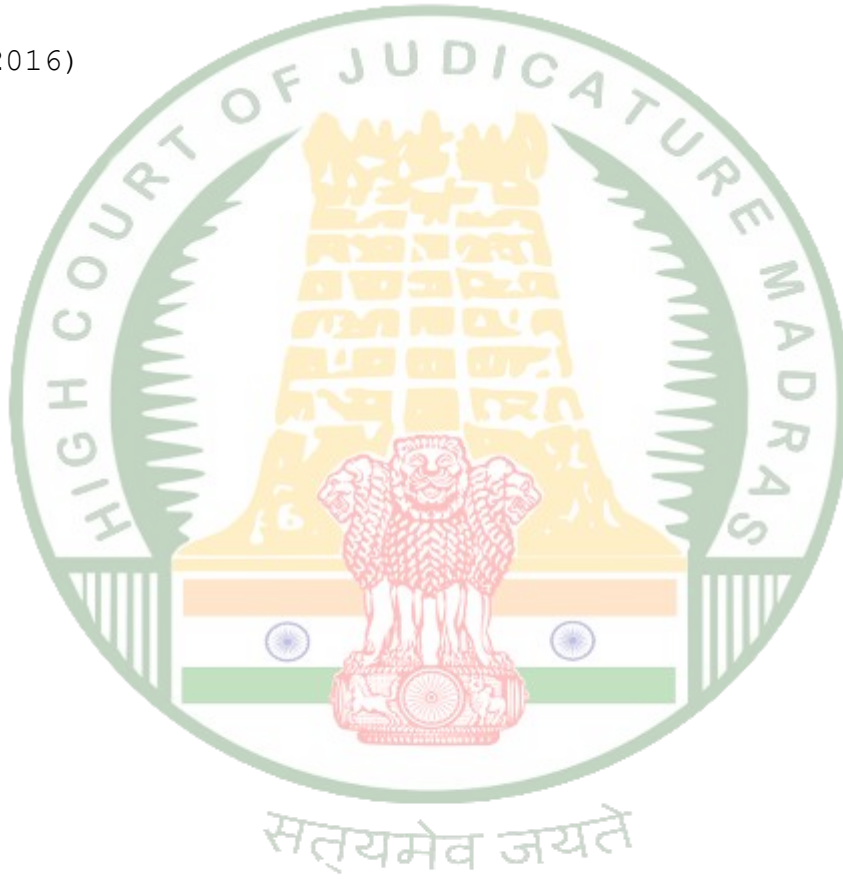
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To

1. The Inspector of Police,
CCB, Anti Land Grabbing Cell,
Vepery, Chennai-7.
2. The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.29633 of 2015

KJI (CO)
CA(18/02/2016)



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