

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 24.11.2016

DELIVERED ON: 05.12.2016

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

W.P. No.31071 of 2015

(Miss) Dorothy Wilcox

Petitioner

vs.

1 The Commissioner of Police
Chennai 600 007

2 The Deputy Commissioner of Police
(Anti Land Grabbing Cell)
Chennai 600 007

3 The Inspector of Police
ALGSC - I Team XVI A
Chennai 600 007

4 The Sub Registrar
Sembiam
Chennai 600 011

5 Glenwel Correya

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the third respondent to conduct a proper and complete investigation and file their report within a time frame.

For petitioner Ms. Dorothy Wilcox-Party-in-person

For RR 1 - 4 Mr. C. Emalias
Addl. Public Prosecutor

ORDER

This writ petition has been filed seeking a writ of mandamus directing the third respondent to conduct a proper and complete investigation and file their report within a time frame.

2 Heard the petitioner who appeared as party-in-person.

3 This is the third round of litigation by the petitioner, the earlier two being Crl.O.P. No.9862 of 2014 and Crl.O.P. SR. No.28714 of 2015.

4 The petitioner's grievance is that she had purchased a property from Glennel Correya in the year 1999 and that she has been cheated by him as his name is not Glennel Correya, but, Glenwel Correya.

5 Admittedly, Glenwell Correya filed a suit in O.S. No.1583 of 2000 before the XVI City Civil Court, Chennai, wherein, he had clearly pleaded that he had inadvertently mentioned his name as Glennel Correya instead of Glenwel Correya.

6 Now, it is alleged by the petitioner that the Registrar who registered the document in the year 1999 had colluded with her vendor by not checking the spelling in the sale deed. In this regard, a police investigation was conducted by the police and the same was closed. This has been referred to in the order dated 22.04.2015 in M.P. No. 1 of 2015 in Crl.O.P. No.9862 of 2014 as follows:

"4. The learned Additional Public Prosecutor submits that the petition enquiry was conducted and closed as mistake of fact and the copy of the closure report has also been furnished to the petitioner. The petitioner submits that she has received the copy. In the closure report, the respondent police has stated as follows:

"I bring to your notice that enquiry has been conducted on your above reference petition. Enquiry reveals that the person who sold the landed property by way of sale deed is Mr. Glennel Correya and he has received the sale proceeds through bank in the name of Glenwel Correya. Hence, it is clear that there is a spelling mistake pertaining to the name of the person. It appears, that there is no impersonation has taken place in respect of the person who executed the sale deed. Besides, over the subject matter you have already preferred a complaint before the Chennai, Central Crime Branch and the same has been investigated vide CCB-Cr. No.229/2001 u/s 420 IPC and after completion of the investigation the case was referred as mistake of fact. Till date, you have not filed any petition for re-investigation before the appropriate court."

5. In view of the above, no further direction is to be issued and it is open to the petitioner to initiate civil proceedings for rectification of the document, if so advised."

7 Despite the above order, the petitioner is agitating the same issue via this writ petition. Further, the prayer in the writ petition itself is so weird and such an omnibus mandamus cannot be issued.

In the result, this writ petition fails and is accordingly dismissed. Costs made easy.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

cad

To

- 1 The Commissioner of Police
Chennai 600 007
- 2 The Deputy Commissioner of Police
(Anti Land Grabbing Cell)
Chennai 600 007
- 3 The Inspector of Police
ALGSC - I Team XVI A
Chennai 600 007
- 4 The Sub Registrar
Sembiam, Chennai 600 011

- 1 cc to Ms. Dorothy Wilcox party in person, Sr. 71579
1 cc to Public Prosecutor, Sr. 71984

W.P. No.31071 of 2015

SCD (CO)
kk 30/12