

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.452 of 2016

1. Dhanapakkiyam
2. Santhi
3. Sekar
4. Mahalakshmi
5. Azhagammal
6. Angammal
7. hinnavan
8. Selvaraj
9. Sellamuthu

.... Petitioners

Vs

The State by The Inspector of Police,
Land Grabbing Cell Police Station,
Nethimedu, Salem, Salem District.

.... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent to register a case on the petitioners' complaint dated 23.12.2015 and investigate the case within the time fixed by this Court.

For Petitioners : Mr.R.Asaithambi

For Respondent : Mr.C.Emalias

Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed to direct the respondent to register a case on the petitioners' complaint dated 23.12.2015 and investigate the case within the time fixed by this Court.

2. The petitioners have stated that the Revenue Settlement Officer allotted dry lands to the ancestors of the petitioners on 30.10.1937 in Patta No.89, in Survey No.367/1 to an extent of 7.46 acres and in Survey No.365/2, 365/4, 365/5, 365/6 and 365/8 to an extent of 7.64 acres. The ancestors of the petitioners were in possession and enjoyment of the said lands and then the petitioners were also in possession and enjoyment the said lands. The ancestors of the petitioners are

poor agricultural labourers and due drought in their area, they were out of station searching for job for their lively hoods. During these period, some other persons occupied and transferred the said lands in their name. On verification of the documents, the petitioners came to know that their lands were in possession and enjoyment of the accused. Hence the petitioners have lodged a complaint as against Chellammal and 19 others on the allegation of land grabbing. But, till date, no action has been taken on the said complaint till date. Hence, the petitioners have come forward with the present criminal original petition.

3. I have heard the learned counsel appearing for the petitioners as well as the learned Additional Public Prosecutor appearing for the respondent.

4. The learned Additional Public Prosecutor submitted that as the complaint was sent by post, if the petitioners give a fresh complaint, necessary action will be taken.

5. In view of the submissions made on either side, this court direct the petitioners to give a fresh complaint to the respondent within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the respondent is directed to conduct enquiry and upon enquiry, if materials are gathered indicating commission of any cognizable offence, he is directed to proceed further in accordance with law. If no prima facie case is made out or matter is of civil in nature, the respondent is directed to pass an appropriate order on the said complaint.

6. This criminal original petition is disposed of accordingly.

vrc

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
Land Grabbing Cell Police Station,
Nethimedu, Salem, Salem District.

2. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.R.Asaithambi, Advocate SR 4498

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