

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2016

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Writ Petition No.44020 of 2016

and W.M.P.No.37828 of 2016

B.Mahender,  
rep. by his power of attorney agent  
P.Ravi ... Petitioner

Vs.

- 1 The District Collector  
O/o.The District Collector Kancheepuram  
District Kancheepuram
- 2 The Superintendent of Police  
O/o. The Superintendent of Police  
Kancheepuram District Kancheepuram
- 3 The Inspector of Police  
Mahabalipuram Police Station Mahabalipuram  
Kancheepuram District
- 4 The Revenue Divisional Officer  
Office of the Revenue Division  
Thirukazhukundram Division Chenglepet  
Kancheepuram District
- 5 The Tahsildar  
Thirukazhukundram Taluk Thirukazhukundram  
Kancheepuram District
- 6 The Sub Registrar  
Thirukazhukundram Sub Registrar Office  
Thirukazhukundram Kancheepuram District  
... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to complete the investigation / enquiry in the Complaint dated 1.3.2016 of the petitioner in C.S.R.No.92 of 2016 within a specific time frame and file final report.

For Petitioner : Mr.A.Thiagarajan, SC  
for Mr.S.Ramesh Kumar

For Respondents : Mr.C.Emalias,  
Addl. Public Prosecutor

ORDER

By consent, the main writ petition is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to complete the investigation / enquiry in the Complaint dated 1.3.2016 preferred by him in C.S.R.No.92 of 2016 within a specific time frame and file final report.

3. It is the case of the petitioner that he is the owner of the property comprised in S.Nos.153/1 and 151/5 in No.162, Mahabalipuram Village, Thirukazhukundram Taluk, Kancheepuram District measuring an extent of 2 acres and 80 cents, having purchased the same by way of two sale deeds dated 12.8.1999 and 26.8.1999 as document Nos.1934 of 1999 and 2601 of 1999 respectively. While so, one Sri Angala Parameswari Educational Trust approached the petitioner's power of attorney holder viz., P.Ravi to purchase the said properties. When the sale deed was sought to be registered, the sixth respondent insisted for production of patta in the name of the petitioner. Hence, the petitioner's power of attorney holder P.Ravi approached the fifth respondent, who in turn, asked him to fence the properties. Accordingly, when the said Ravi took steps to fence the property by raising compound wall, local rowdy elements started to interfere with the same and create hindrance and threatened me. Hence, the said P.Ravi preferred a criminal complaint before the third respondent. Since no action was taken on the said complaint, the said P.Ravi in his capacity of power of attorney holder, filed a petition before this Court in CrI.O.P.No.1078 of 2016 to register his complaint and this Court vide order dated 8.2.2016 directed him to prefer a fresh complaint before the third respondent and on receipt of such complaint, the third respondent was directed to investigate the matter. Thereafter, again on 1.3.2016, he preferred a complaint before the third respondent and on receipt of the same, he was given with a CSR bearing CSR No.92 of 2016. Subsequently, he came to know that the properties of the petitioner were illegally sub divided and bogus pattas were also issued to various persons. Therefore, he gave legal notice to the respondents 4 and 5 seeking clarification in this regard. On receipt of the said notice, the fourth respondent by letter dated 30.5.2015, directed the fifth respondent to take necessary action by conducting an enquiry and to inspect the said land and

file a report. Since the fifth respondent has not taken any action, the petitioner filed a writ petition in W.P.No.26153 of 2015 before this Court and this Court by order dated 21.8.2015 directed the fifth respondent to dispose of his representation dated 16.4.2015 after affording an opportunity to the petitioner as well as any other interested parties. However, the fifth respondent has showed deliberate ignorance to the same. Now, the prospective purchaser wanted to establish an educational institution in the said properties. However, he is not able to execute the sale deed. Since the issue involves serious criminal offences and the police officials are not carrying out any investigation in the criminal act against the persons involved in the same, the petitioner has come up with the present writ petition seeking a direction to the respondents to complete the investigation / enquiry in the Complaint dated 1.3.2016 preferred by him in C.S.R.No.92 of 2016 and file final report.

4. It is the main submission of the learned senior counsel appearing for the petitioner that earlier, since the third respondent refused to receive the complaint given by the power of attorney holder of the petitioner, he filed a petition before this Court in Crl.O.P.No.1078 of 2016 seeking a direction to the third respondent herein to register his complaint and this Court by order dated 8.2.2016 directed him to prefer a fresh complaint before the third respondent and on receipt of such complaint, the third respondent was directed to investigate the matter. Thereafter, again on 1.3.2016, he preferred a complaint before the third respondent and on receipt of the same, he was given with a CSR bearing CSR No.92 of 2016. Even after that, without conducting any enquiry in CSR No.92 of 2016, the third respondent has kept the matter idle.

5. I have also heard the learned Additional Public Prosecutor, who has taken notice on behalf of the respondents.

6. In view of the limited prayer sought for by the petitioner, without going into the merits of the case, the third respondent is directed to complete the investigation / enquiry in the complaint dated 1.3.2016 in C.S.R.No.92 of 2016, if not completed earlier, and file a final report within a period of two months from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

sbi

To

- 1 The District Collector  
O/o.The District Collector Kancheepuram  
District Kancheepuram
  - 2 The Superintendent of Police  
O/o. The Superintendent of Police  
Kancheepuram District Kancheepuram
  - 3 The Inspector of Police  
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  - 4 The Revenue Divisional Officer  
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  - 5 The Tahsildar  
Thirukazhukundram Taluk Thirukazhukundram  
Kancheepuram District
  - 6 The Sub Registrar  
Thirukazhukundram Sub Registrar Office  
Thirukazhukundram Kancheepuram District
- 1 cc to Mr.S. Ramesh Kumar, Advocate, Sr. 75964

W.P.No.44020 of 2016

RSY (CO)  
kk 19/1

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