

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40715 OF 2016

ORDER:

The writ petition is filed by the petitioners seeking a writ of mandamus declaring the action of the second respondent in registering crime No.278 of 2016 for the offences under Sections 468, 471, 420 IPC as illegal and arbitrary, and consequently, to quash the same.

Heard and perused the material.

Learned counsel for the petitioners submits that the petitioners have obtained plan from the Municipal Authorities and constructed a building as per the plan approved. He further submits that the plan sanctioned is revoked due to the instigation of the political rivalries. Challenging the said action, the petitioners have filed writ petition being W.P.No.25492 of 2016 and this Court by way of interim orders, dated 03.08.2016, suspended the proceedings of revocation of sanctioned plan. When the said order is in force, the third respondent herein lodged a complaint before the second respondent at the instigation of the other persons and as such, he prays this Court to quash the proceedings.

This Court is not inclined to quash the proceedings against the petitioners at the threshold. However, considering the facts and circumstances of the case and also taking into consideration the fact that this Court suspended the proceedings of revocation of plan sanctioned to the petitioners, the second respondent is directed to complete the investigation without arresting the petitioners and file final report, if any, in accordance with law. The petitioners are directed to appear before the second respondent and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) each with one surety for the likesum each for their future appearance as and when required for the purpose of investigation.

.The writ petition is accordingly disposed of. Consequently,
miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

24.11.2016
pln

