

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.O.P.No.5524 of 2017

M.Natarajan @ Thirumangairajan

... Petitioner

Vs

State rep. By
the Inspector of Police,
District Crime Branch /
Anti Land Grabbing Cell
Nagapattinam.

.... Respondent

Petition filed under Section 482 of the Criminal Procedure Code, to transfer the investigation in Crime No.11 of 2016 on the file of the Inspector of Police, District Crime Branch/ Anti Land Grabbing Cell, Nagapattinam to the Assistant Commissioner of Police, CBCID, Nagapattinam.

For Petitioner : Mr.A.Thiagarajan, SC
for M/s.D.Veerasekaran

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

ORDER

This Criminal Original Petition has been filed to transfer the investigation in Crime No.11 of 2016 from the file of the respondent police to the file of the Assistant Commissioner of Police, CBCID, Nagapattinam.

2. The case of the petitioner is that as against one K.Mariappan and his son M.Muthuraja and others, he has lodged a complaint dated 02.11.2016 before the Superintendent of Police, Nagapattinam, for breach of trust, forgery, cheating, making false document, criminal conspiracy and causing wrongful loss and land grabbing. Subsequently, the said complaint was registered as FIR in Crime No.11/2016 on the file of the respondent police. Simultaneously, the petitioner has also filed a petition before the District Collector, Nagapattinam and the

Tahsildar, Tharangampadi, Nagapattinam requesting to cancel the patta granted in favour of the said Mariappan and his son. On enquiry, the Revenue Divisional Officer, Mayiladuthurai, by his proceedings dated 21.11.2016 in Na.Ka.No.4181/2016/2016, considered the request of the petitioner and cancelled the patta issued in favour of the said Mariappan and his son. Pursuant to the same, the said Mariappan and others have threatened the petitioner and his family members to settle the issue by way of Katta Panchayat by using anti social elements. Now, the grievance of the petitioner is that though the complaint was registered on 17.12.2016, till date, no action was taken by the respondent. Hence, this petition.

3. Learned Additional Public Prosecutor, on instructions submitted that till date, the petitioner has not produced the relevant documents, so as to enable the respondent to proceed with the case.

4. Considering the facts and circumstances of the case, in order to give quietus to the issue involved herein, this Court instructs the Superintendent of Police, Nagapattinam, who originally received the complaint dated 02.11.2016 submitted by the petitioner, to give suitable direction to the Deputy Superintendent of Police, Nagapattinam, to issue summons to the petitioner, so as to enable him to produce all the documents relating to the property in question and thereafter, conduct enquiry and take further action, as per law. Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. In the mean while, the Tahsildar Tharangambadi, though he is not a party to the proceedings, is hereby directed to submit all the revenue records relating to the property in question, as requested by the Inspector of Police, Anti Land Grabbing Special Cell, Nagapattinam in his communication C.No.221-PETI/ALGSC/NGT/16 dated 02.02.2017 within a period of two weeks from the date of receipt of a copy of this order.

5. This Criminal Original Petition is disposed of accordingly. Post for reporting compliance after six weeks.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Tahsildar,
Tharangambadi.

2.The Superintendent of Police,
Nagapattinam.

3.The Deputy Superintendent of Police,
Nagapattinam.

4.The Inspector of Police,
District Crime Branch /
Anti Land Grabbing Cell
Nagapattinam.

5.The Public Prosecutor,
High Court, Madras.

+2cc's to Mr.D.Veerasekaran, Advocate, S.R.Nos.17454 & 17417

CrI.O.P.No.5524 of 2017

SKS (CO)
CA(03/04/2017)



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