

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2017

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

Contempt Petition No.433 of 2017

Dorothy Wilcox

...Petitioner

Vs

Mrs. Lalitha-avl,
Deputy Commissioner of Police,
(Anti Land Grabbing Cell),
Vepery, Chennai-600 007.

...Respondent

PETITION filed under Section 11 of Contempt of Courts Act praying to punish the respondent for committing contempt of Court by wilfully and wantonly disobeying the final order of this Hon'ble Court for Crl.O.P.No.9862 of 2014 dated 18.06.2014.

For Petitioner : Ms. D.Wilcox

For Respondent : Mr. R. Sekar
Government Advocate(Criminal side)

ORDER

This contempt petition has been filed for wilfull disobedience of the order passed by this Court in Criminal O.P. No.9862 of 2014 dated 18.06.2014.

The direction issued in the Criminal O.P. is as follows:

4. From the typed set of papers it is seen that

the petitioner is said to have paid various amounts to Mr.Glennel Correya by three demand drafts and those demand drafts have been drawn in the said name, however, with the alleged connivance with the Bank officials, a wrong person has encashed them without notice to the petitioner. This is also one other allegation, the petitioner has made.

5. In the light of the above facts, without going into the merits of the petitioner's contentions, there will be a direction to the Deputy Commissioner of Police to enquire into the matter. The petitioner shall be issued with a notice to attend for hearing and thereafter the Police official so nominated, shall conduct enquiry in the manner known to law, as expeditiously as possible.

The petition is ordered accordingly.

2. After the above order was passed, the petitioner filed a miscellaneous petition in M.P.No.1 of 2015 in CrI.O.P.No.9862 of 2014, and sought for a direction upon the respondents to complete scientific, technical and expert investigation of the contentions raised by her in the Criminal O.P. apart from other reliefs.

3. The Court, after taking note of the factual position and the

conduct of the petitioner dismissed the petition by an order dated 22.04.2015.

The operative portion of the order reads as follows:

3. Pursuant to the above said order, the respondent police conducted an enquiry on the complaint given by the petitioner. Now the petitioner has come up with the following prayer:

“To direct the respondents to complete scientific, technical and expert investigation of the contentions in my petition Crl.O.P.No.9862 of 2014 and submit their report satisfying the points raised in paragraphs 2 to 4 of Court Order dated 18.06.2014 along with fresh Encumbrance on property certificate and patta for parent document No.1276/1984 as proof of the Vendor's ownership to deal with the said properties and any other evidence of either mortgage, co-lateral security etc. and file fresh encumbrance on property certificates for my four sale deeds registered as document Nos.2070/1999, 2071/1999, 2072/1999 and 2073/1999 all dated 26.03.1999 and state what steps were taken by the Police for the vendor to rectify my four Sale Deeds and register FIR and file a case against the vendor and Sub Registrar and submit it within a fixed date to this Hon'ble Court for processing and framing charges.”

4. The learned Additional Public Prosecutor submits

that the petitioner 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 land 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.

6. In the result, this petition is dismissed.

4. Thereafter the petitioner filed a writ petition before this Court in W.P.No.31071 of 2015, for a mandamus to direct the Inspector of police, Anti Land Grabbing Cell, to conduct proper and complete investigation and file a report. The said writ petition was dismissed by an order dated 05.12.2016, the operative portion of which reads as follows:

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 petitioner enquiry was conducted 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 Correyra and he has received the sale proceeds through bank in the name of Glenwel Correyra. 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.

The petitioner now represents that the respondent police violated

the order passed by this Court on 18.06.2014.

5. The above observation clearly shows that much water has flown under the bridge and the petitioner is fully aware of the happenings and it is in her petition, the order have been passed. Thus, I find that there is no case for initiating any proceedings for contempt. Accordingly the contempt petition stands dismissed.

08.08.2017

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Index:yes/no

Internet:yes

To

Mrs. Lalitha-avl,
Deputy Commissioner of Police,
(Anti Land Grabbing Cell),
Vepery, Chennai-600 007.



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T.S.SIVAGNANAM,J

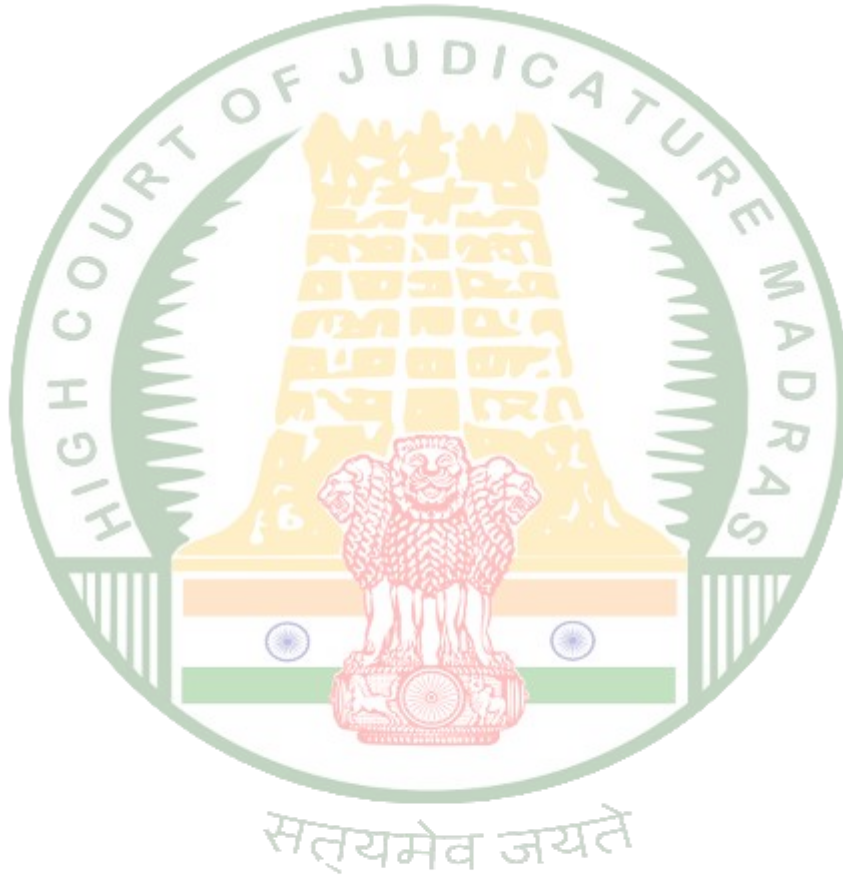
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