



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.05.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMARCr1.O.P.(MD)No.15795 of 2017

M.Govindaraj

... Petitioner

Vs.

The Inspector of Police,
Anti Land Grabbing Wing,
O/o Superintendant of Police,
Theni District,
Theni.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondent to register a case on the basis of the petitioner's complaint dated 31.10.2017 for offence under sections 420, 406, 419, 423, 465 of I.P.C., within the time frame by this Court.

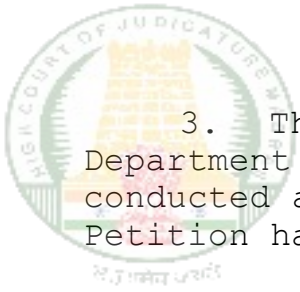
For Petitioner : Mr.T.Lajapathi Roy

For Respondent : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking direction to the respondent to register a case on the basis of the petitioner's complaint dated 31.10.2017 for offence under sections 420, 406, 419, 423, 465 of I.P.C., within the time framed by this Court.

2. According to the learned counsel for the petitioner, the petitioner is doing social welfare activities to the people who are living in the locality. The proposed accused has made a settlement deed to the Tamil Nadu Agricultural Department for "Jawahar Employment Scheme" and created a fabricated document related to the land in possession of a third person in Survey Nos.816/14, 817/18 & 818/26 to an extent to 58 acres in Andipatti Taluk, Kunnur Village, Theni District. The proposed accused is still in possession of the land and doing farm work in Survey Nos.816/14, 817/18 & 818/26. Therefore, the petitioner has made a representation to the District Collector to initiate action against the proposed accused.



3. The District Collector transferred the case to the Department of Anti Land Grabbing, but till date no enquiry has been conducted and aggrieved over the same, the present Criminal Original Petition has been filed by the petitioner.

4. The Learned Additional Public Prosecutor would submit that enquiry was conducted and the properties in Survey Nos.816/14, 817/18 & 818/26, stand in the name of the family members of the proposed accused, as per the report of the Village Administrative Officer. Therefore, the petitioner may be advised to approach the Civil Court, if there is any remedy under the provisions of law.

5. The learned counsel for the petitioner relying upon the proceedings in ஓ.மு.எண்/16835/2017/o4 dated 12.06.2017, wherein the District Revenue Officer has forwarded the same to the Superintendant of Police, Theni District to take appropriate action on the representation of the petitioner, stated that the respondent has not chosen to take any action. Therefore, he has filed the present Criminal Original Petition.

6. According to the learned counsel for the petitioner, the properties belong to one Vadivelu. Therefore, the proposed accused has no legal right to execute the settlement deed in favour of the Department to provide benefit under "Jawahar Employment Scheme" .

7. The Superintendant of Police by his letter ந.க.எண்.சீ4-311-8937-2017 dated 23.05.2017 has stated that the petitioner can approach the Revenue Authorities to seek his remedy. Therefore, the said proceedings was addressed to the District Revenue Officer and also a copy of the said proceedings has been communicated to the petitioner.

8. In the light of the same, the petitioner has not disputed the execution of the settlement deed in favour of the Department. Hence, no commission of offence is made out to register the complaint, with regard to the above allegation of the complaint. If any fabrication of document is found, it is for the concerned Authorities to initiate action under the provisions of the Act. If the scheme has not been implemented, by the Authority, the petitioner has to approach before the concerned Authorities to seek his relief to implement scheme in the subject matter of the property. Hence, it is rightly submitted by the learned Additional Public Prosecutor that there is no cognizable offence is made out in the complaint to register a case.

9. Therefore, no prima facie is made out to entertain the Criminal Original Petition. Hence, this Criminal Original Petition is dismissed with the above observations.

Sd/-

Assistant Registrar(AE)



To

1) The Inspector of Police,
Anti Land Grabbing Wing,
O/o Superintendant of Police,
Theni District,
Theni.

2) The Additional Public Prosecutor,
Madurai Bench of Madras High Court.
Madurai.

+1cc to Mr.T.Lajapathi Roy, Advocate, SR.No.65983.

Order in
Cr1.O.P.(MD)No.15795 of 2017
22.05.2018

sts/rm

RAM/SV MMS/SAR 1/28.06.2018/3P/4C