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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	Pronounced on
14.03.2018	20.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD)No.17025 of 2017
and
Crl.M.P.(MD)No.11216 of 2017

KR.VR.SM.V.Somasundaram Chettiar : Petitioner

Vs.

- 1.The Deputy Director, CBI/ACB/
Sastribhavan 3rd Floor,
No.26, Haddows Road,
Chennai - 06.
- 2.The Director of Vigilance and Anti-Corruption,
Post Box No.487, NCB 21,
P.S.Kumarasamyrajasalai,
Chennai.
- 3.The Inspector General of Registration,
Head Quarters of Registration Department,
Raja Annamalai Puram,
Chennai - 28.
- 4.The Commissioner Land & Survey Administration,
Chennai - 05.
- 5.The Assistant Settlement Officer (South),
Land & Survey Administration Office,
Chennai - 5.
- 6.The District Collector,
Sivagangai District,
Sivagangai.
- 7.The Superintendent of Police,
District Police Office,
Sivagangai.
- 8.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.
- 9.The Thasildar,
Karaikudi,
Sivagangai District.

: Respondents

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the first respondent or through a Special investigation Team of Tamil Nadu Police in the rank of the Superintendent of Police or any other higher officer to



conduct Investigation into the illegal acts of fraud and forgery, illegal land grabbing and cheating including illegal acts of corruption based on the representations dated 01.06.2016 and 11.10.2017.

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For Petitioner : Mr.N.Thiagarajan,
Senior Counsel
For M/s.Right Law Associates
For Respondent No.1 : Mr.N.Nagendran,
Special Public Prosecutor for CBI
Cases
For Respondents 2 to 9 : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor

O R D E R

The petitioner has given two representations dated 01.06.2016 and 11.10.2017 and has thereafter, filed the present Criminal Original Petition under Section 482 of the Code of Criminal Procedure for a direction to the Central Bureau of Investigation to investigate the allegations made by him.

2. Heard Mr.N.Thiagarajan, learned Senior Counsel appearing for the petitioner, Mr.N.Nagendran, learned Special Public Prosecutor for CBI Cases appearing for the first respondent and Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor appearing for the respondents 2 to 9.

3. Mr.N.Thiagarajan, learned Senior Counsel appearing for the petitioner submitted that one Gnanasigamani was working as Assistant Settlement Officer and that he had indiscriminately issued pattas to various persons for the lands belonging to the petitioner for extraneous consideration. He submitted that the patta proceedings were challenged before the Inam Abolition Tribunal, Sivagangai and the Tribunal, by order dated 08.12.2006, has allowed the appeal and has remanded the matter back to the Assistant Settlement Officer, Chennai, to conduct a full-fledged enquiry with regard to issuance of pattas. Challenging the said order, one Kalyani and Nagappan filed S.T.A.No.1 of 2007, which was heard by a Division Bench of this Court and final orders were passed on 12.09.2014 dismissing the appeal, but, making the following observation:

"9. In view of the submissions made by the learned counsels appearing on behalf of the parties concerned and on a perusal of the records available before this Court, it is noted that the Tribunal had passed the impugned order, dated 08.12.2006, in Revenue Appeal No.1 of 2004, holding that Kr.Vr.Veerappa Chettiar, the first respondent herein, is an aggrieved person, as per Section 12(2) of the Act. The Tribunal had come to the said conclusion based on the documentary



evidence that had been placed before it. Therefore, the Tribunal had remanded the matter back to the Assistant Settlement Officer, Chennai, for conducting a fresh enquiry, based on the evidence available, pursuant to the judgment passed by this judgment, dated 15.12.2005, in S.T.A.(MD)No.1 of 2005. It is also noted that an enquiry had been initiated against the Assistant Settlement Officer concerned, with regard to the grant of pattas, in respect of a vast extent of lands, including the lands in question, with regard to the alleged irregularities committed by him, in respect of pattas issued. It is the case of the first respondent that the Assistant Settlement Officer concerned had not followed the procedures contemplated under the provisions of the Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963 and the Rules framed thereunder, while granting pattas in favour of the appellants, in respect of the lands in question."

4. On the strength of this observation, Mr.N.Thiagarajan, learned Senior Counsel appearing for the petitioner contended that a vigilance case should be registered against the said Gnanasigamani.

5. Mr.K.Maheswaran, Tahsildar, Karaikudi, Sivagangai District, has filed a status report dated 13.03.2018, in which, it is stated that the records were not available at Karaikudi Taluk Office, Sivagangai District for the reason that the order dated 01.09.1983 was passed by the Assistant Settlement Officer, Madurai, before the formation of Sivagangai District. It is also stated in the status report that Gnanasigamani, Assistant Settlement Officer has retired from service.

6. Mr.N.Thiagarajan, learned Senior Counsel placed strong reliance on the Judgment of the Supreme Court in Pooja Pal vs. Union of India [2016 (3) SCC 135].

7. In Pooja Pal's case cited supra, the Supreme Court ordered CBI investigation in a case relating to the murder of an M.L.A., of the Uttar Pradesh Assembly on the petition filed by his widow. The Supreme Court found glaring discrepancies in the investigation conducted by the Uttar Pradesh Police and therefore, ordered de novo investigation by the Central Bureau of Investigation. In this case, an F.I.R., itself has not been registered by any police and, therefore, there is no question of ordering CBI investigation on the representations given by the petitioner against an Assistant Settlement Officer, who is said to have issued pattas in exercise of his official duties.



8. In State of West Bengal vs. Committee for Protection of Democratic Rights [2010(3) SCC 571], the Supreme Court has clearly stated that CBI investigation should not be ordered at the drop of a hat.

9. In the result, this Criminal Original Petition is devoid of merits and accordingly, the same is dismissed. However, during the enquiry proceedings, if it comes to light that the said Gnanasigamani had committed cognizable offences, the Department shall report the matter to the Police for registering a criminal case against him. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To

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9.The Thasildar,
Karaikudi,
Sivagangai District.

10.The Special Public Prosecutor for CBI Cases,
Madurai Bench of Madras High Court,
Madurai.

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

+1CC TO M/S.RIGHT LAW ASSOCIATES, ADVOCATE, SR NO.4393

ORDER MADE IN
Cr1.O.P.(MD)No.17025 of 2017
20.03.2018

SM/SML

MS/SV-MMS/SAR-4/02.04.2018/5P.13C