



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.10.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.(MD)No.17625 of 2017

and

CrI.M.P(MD).No.11542 of 2017

and

CrI.M.P(MD).No.446 of 2018

S.Pugalandhi

... Petitioner

-vs-

1.The Superintendent of Police,
Sivagangai District,
Sivagangai.

2.The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai,
Sivagangai District.
(Crime No.355 of 2017)

3.The Superintendent of Police,
CBCID,
Madurai.

4.Kalyanakumar
5.Aravind
6.Senthilkumar
7.Mangaleshwaran
8.K.Bose
9.Arun Prasath

10.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

...Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the first respondent herein to transfer the investigation in Crime No.355 of 2017 dated 23.08.2017 on the file of the second respondent herein to the third respondent herein.

For Petitioners : Mr.S.Pugalandhi
Party -in-Person

<https://hcservices.ecourts.gov.in/hcservices/>

For R1 to R3 : Mr.K.Suyambulinga Bharathi
Government Advocate (CrI. side)

ORDER

This petition has been filed seeking to transfer the investigation in Crime No.355 of 2017.

2.The sum and substance of the allegation made by the petitioner is that the accused persons have obtained a fake patta for a vacant place in Survey No.217/1 to 217/23 which runs to more than 12 acres. The further allegation that has been made in this case is that the villagers have constructed a temple, which is more than 100 years old and there is also a cremation ground and also a school in the very same Survey Number and therefore, the accused persons could not have obtained a patta in their favour from the Revenue Authorities. Therefore, the petitioner wanted the police to take action against the accused persons for having fabricated the patta.

3.During the pendency of this Criminal Original Petition, the respondent police have chosen to close the complaint as 'Mistake of Fact'.

4.The petitioner appearing as party in person would submit that the Revenue Divisional Officer by his order dated 28.08.2018 has cancelled the patta granted in favour of the accused persons. In the said order, the Revenue Divisional Officer has given a categorical finding that the property in question is a 'Nattham' land belonging to the Government. Even in the revenue records the same has been notified as 'Vandipathai', 'Mayanam' and 'school ground'. Therefore, the accused persons in order to grab the property have managed to obtain a patta in their favour. This finding given by the Revenue Divisional Officer in his proceedings dated 28.08.2018, clearly establishes the fact that the accused persons had attempted to grab the property belonging to the Government. Therefore, a fresh cause of action has arisen for the petitioner to give a fresh complaint before the respondent police by pointing out the order of the Revenue Divisional Officer, Sivagangai, dated 28.08.2018.

5.Considering the facts of the case, the Criminal Original Petition is disposed of by giving opportunity to the petitioner to give a fresh complaint by referring to the proceedings of the Revenue Divisional Officer, Sivagangai, dated 28.08.2018, against the accused persons and the second respondent shall take up the complaint and deal with the same in accordance with law and take appropriate action. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/



To

WEB COPY

- 1.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 2.The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai,
Sivagangai District.
(Crime No.355 of 2017)
- 3.The Superintendent of Police,
CBCID,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO MR.S.PUGALENDHI, ADVOCATE IN SR.NO.88402.

RMK

DS SKN SAR-3 08.10.2018 3P/6C

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