

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Crl.P. No.8016 OF 2018

ORDER:

This criminal petition is filed under Section 482 Cr.P.C. to quash the proceedings in Crime No.120 of 2018 of Kuppam Police Station, Kuppam, Chittoor District, registered for the offences punishable under Sections 420 and 467 IPC.

The petitioner is retired employee and the 2nd respondent is the present Tahsildar, Kuppam, Chittoor District.

The 2nd respondent lodged written report with the police alleging that the accused – M.S.Muninarayana former Tahsildar of Kuppam has carried out the mutation of land in Survey No.167 to an extent of Ac.11.62 cents of Pedda Bangarunatham Village of Kuppam Mandal belonging to Sri Avani Srinagari Mattam, in the name of S.Siraj S/o Ibrahim, R/o Nethaji Road of Kuppam town and Mandal by manipulating electronic/digital record with malafide intention and facilitated wrongful gain to one S.Siraj on the last day of his retirement from service i.e. on 30.06.2018 without prior permission of the District Collector, Chittoor. On the strength of the written report, the police registered the above crime for the above offences. During investigation, the police collected material from the concerned officials and one such report is dated 02.07.2018 in ROC/61/2018 issued by the Tahsildar, Kuppam Mandal.

The present petition is filed raising several contentions specifically that the property was purchased under sale deed dated 13.12.1964 in favour by G.Lakshmamma and thereafter the property was transferred to several persons and the last purchaser is one S.Siraj S/o Ibrahim, whose name was mutated in the revenue records except in the web land portal.

Therefore, the allegations made against the petitioner even if accepted on its face value, would not constitute any offence.

During hearing, learned counsel for the petitioner drawn the attention of the Court to the report dated 02.07.2018 submitted by the Tahsildar, Kuppam Mandal and on the basis of the said report he contended that the act committed by the petitioner i.e. mutation of name of S.Siraj in the web land portal do not constitute any offence, as the pattedar pass book and title deeds were issued in his favour and requested to quash the proceedings.

Learned Public Prosecutor vehemently opposed the petition on the ground that the petitioner on the last date of his retirement mutated the name of S.Siraj in web land portal without obtaining prior permission of the Collector, which is in violation of Section 22-A of the Registration Act, since the property belonging to Sri Avani Srinageri Mattam and it cannot be mutated and such mutation constitute above offences and requested to dismiss the petition.

The basis for lodging report is the proceedings issued by the Collector, but they are not placed on record. However, the report issued by the Tahsildar, dated 02.07.2018, which is placed on record discloses that the principal of Sri Avani Srinageri Matam by name Vasudeva Shastri as an agent executed registered sale deed in favour of Smt G.Lakshamma W/o Guruswamy Pillai vide document No.2506/1964, dated 13.12.1964 and later she registered document No.1789/1990, dated 20.08.1990 in favour of Lakshmi, Ponnuswamy, Kuppuswamy, Bhumannagari Muneppa, Venkatesu, Kistappa, Nagappa, Gurappa Gari Chinnappa, Vaidyam Muneppa, Sambali Nagappa, Mekala Chinnappa and Muneppa. But finally the above persons executed various documents in favour of S.Siraj conveying the property. The contention of the petitioner is that the sale

took place prior to commencement of Section 22 A of the Registration Act and Section 22 A of the Registration Act has no application. In the procedural recognition, petitioner was issued pattedar passbooks and title deeds in favour of S.Siraj in whose name the entries were made in the web land portal as alleged by the petitioner in the year 2004 itself and his name was also mutated in other revenue records except in web land portal. Therefore, the basis for mutation in web land portal is the passbook, title deeds and other revenue records by the petitioner on the last date of his retirement at 4 PM, is only in discharge of his duties as Tahsildar. In the absence of any allegation that the petitioner due to extraneous reasons mutated the name of S.Siraj in the web land portal, the act of the petitioner would not constitute any offences. In fact, no permission is required to mutate the names, if for any reason any person aggrieved by the mutation of his name in the web land portal or in revenue records an appeal lies to the Revenue Divisional Officer under Section 5(4) of ROR Act and when appeal can be filed by the aggrieved party i.e Sri Avani Sringeri Mattam, therefore, the act of the petitioner cannot be termed as an offence *prima facie*. Hence, I find that it is a fit case to exercise inherent jurisdiction under Section 482 Cr.P.C. Lodging written report with the police after his retirement, is nothing but abuse of process of law.

In the result, the criminal petition is allowed quashing the proceedings in Crime No.120 of 2018 of Kuppam Police Station, Kuppam, Chittoor District.

Pending miscellaneous petitions in the petition, if any, shall stand closed.

M.SATYANARAYANA MURTHY,J

09.08.2018
kvrm