

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.23089 of 2019
and
W.M.P.Nos.22800 & 22801 of 2019

R.Elumalai

... Petitioner

-vs-

1.The Inspector of Police,
S-14, Peerankaranai Police Station,
Chennai - 600 063.

2.The Revenue Divisional Officer,
Tambaram, Chennai-600 045.

3.The Special Thasildar,
Town Survey Scheme,
Tambaram.

4.J.James Rani

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, to call for all records on the file of the 1st respondent for registering F.I.R. in Crime No.2722/2016 dated 24.12.2016 and consequential proceedings initiated by the 3rd respondent in report dated 15.05.2018 in proceedings No.Na.Ka.94/2017 and the 2nd respondent's enquiry notice in proceedings No.1157/2018/Aa dated 14.12.2018 issued by the 2nd respondent and quash the said proceedings.

For Petitioner : Mr.G.Justin

For Respondents : Mr.M.Mohamed Riyaz (for R1 to R3)
Additional Public Prosecutor

ORDER

This Writ Petition has been filed challenging the registration of F.I.R. in Crime No.2722 of 2016 and referring the case to the Executive Magistrate under Section 145 of Cr.P.C.

2.It is seen from records that the F.I.R. has been registered in the year 2016 and the enquiry is pending and the petitioner has already given his explanation.

3.The learned counsel for the petitioner submitted that a reading of the notice reveals the fact that the Revenue Divisional Officer wants to go into the issue of title and possession and the same is beyond his jurisdiction under Section 145 of Cr.P.C. The learned counsel further submitted that the dispute regarding the right, title and possession over the property, is now a subject matter before the competent Civil Court in O.S.No.6 of 2019 before the District Munsif Court, Tambaram.

4.The learned Additional Public Prosecutor submitted that the enquiry is still pending and that a time limit can be fixed for completion of proceedings.

5.This Court does not want to interfere with the proceedings conducted by the 2nd respondent at this stage. The petitioner has already submitted his reply and the relevant documents before the 2nd respondent. The objections raised by the petitioner, can be raised before the 2nd respondent and the 2nd respondent shall consider the same and shall pass appropriate orders in the proceedings within a period of eight weeks from the date of receipt of copy of this order.

6.This Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

To

1.The Inspector of Police,
S-14, Peerkankaranai Police Station,
Chennai - 600 063.

2.The Revenue Divisional Officer,
Tambaram, Chennai-600 045.

3.The Special Thasildar,
Town Survey Scheme,
Tambaram.

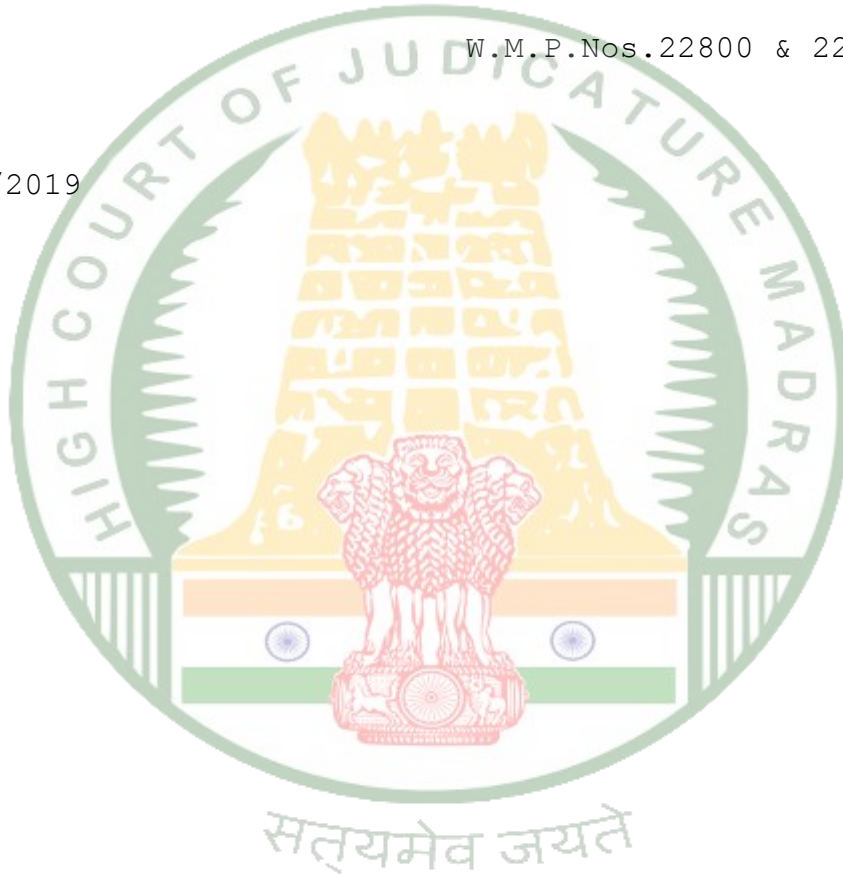
4.The Public Prosecutor,
High Court, Madras.

+lcc to M/s.G.Justin, Advocate Sr.67182

W.P.No.23089 of 2019
and

W.M.P.Nos.22800 & 22801 of 2019

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srg 17/09/2019



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