

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.17344 of 2020

D.Muthuvadivelu

... Petitioner

Versus

State,
Rep. by Inspector of Police,
District Crime Branch,
Kanchipuram.

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of arrest by the respondent Police in Crime No.12 of 2020 on the file of the respondent Police.

For Petitioner : Mr.S.P.Arthi

For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for offence under Sections 120B, 477A, 420 and 34 of IPC in Crime No.12 of 2020, seeks anticipatory bail.

2.(i)The gist of the case is that the Revenue Divisional Officer, Authorized Officer for Land Reforms, Tambaram Revenue Division, Chengalpet has lodged a complaint 04.08.2020 against A1-A.Balasubramani the then Joint Commissioner (Land Reforms), Villupuram, A2-A.Palaniammal the then Assistant Commissioner (Land Reforms), Villupuram and A3/the petitioner the then Revenue Divisional Officer, Authorized Officer for Land Reforms, Chengalpet. As per the complaint, the alleged occurrence had taken place during the period from 26.10.2008 to 05.07.2013.

(ii)A vast extent of lands comprised in several survey numbers situated at Thazhambur Village, Vandalur Taluk (erstwhile Tiruporur Taluk), Chengalpet District were settled as Anadheenam lands under the Tamil Nadu Estate (Abolition and Conversion to Ryatwari) Act, 1948. Further, the Land Reforms Act, Rules and Regulations do not confer any powers on the Joint Commissioner (Land Reforms) Villupuram, the Assistant Commissioner (Land Reforms) Villupuram or the Revenue Divisional Officer, Chengalpet as Authorized Officer (Land Reforms) for consequent granting of pattas for these lands to private individual. The Tamil Nadu Estate (Abolition and Conversion to Ryatwari) Act, 1948, does not have any provision for the

conversion of these Anadheenam Lands, which are Government Poramboke Lands as Ryaatwari lands (Private lands) as of now.

(iii) While that being so, Al-the then Joint Commissioner (Land Reforms), Villupuram, vide his proceedings No.A1/1463/2008, dated 23.10.2008 and proceedings No.A1/52/2009, dated 17.08.2009, 16.11.2009 and 18.02.2010 assigned certain Anadheenam lands in favour of individual persons. Al-the then Joint Commissioner (Land Reforms), Villupuram by way of proceedings No.B3/4151, 4153, 4154 and 4218/2018, dated 02.11.2018 and B3/4261, 4262/2018, dated 08.11.2018 has assigned certain Anadheenam Lands in favour of certain individuals and several others. Further, the Assistant Commissioner (Land Reforms), Villupuram has inspected the site on 28.06.2013, verified the connected revenue records in the name of the "Land Reforms Surplus" and passed order in Ref.No.A1/1462/2008, dated 18.07.2013. The Government, by G.O.Ms.No.255, Revenue LR(2), dated 10.07.2015, abolished the Land Reforms Office, Villupuram. Thereafter, the concerned Revenue Divisional Officers were empowered and appointed as Assigning Authority in the land reforms. In this case, the petitioner had confirmed the assignment of 18 acres of land out of 41 acres which were assigned by the Assistant Commissioner (Land Reforms) to six persons of 3 acres each and they are Rathinaraj, Pramodikumar, Vasanthakumar, Lakshminarayan, Chandraprakash and Kannan. Thus the petitioner caused huge loss of revenue to the Government property in conspiracy with the other accused. Hence, the above complaint came to be lodged.

3.The learned counsel for the petitioner submitted that the petitioner worked as Revenue Divisional Officer, Chengalpet during the period from May 2018 to May 2019 and carried on his duties and responsibilities diligently. He further submitted that the petitioner has not assigned any land to individual persons. Prior to the petitioner joining the post, the Joint Commissioner (Land Reforms), Villupuram and the Assistant Commissioner (Land Reforms), Villupuram had issued proceedings and assigned lands to various persons. The petitioner was not involved any identification, verification, enquiry before assigning of these lands and he was not aware of these lands classified as Anadheenam lands. Prior to the petitioner joining the said post, the Assistant Commissioner (Land Reforms), Villupuram by proceedings in Ref.No.A1/1462/2008, dated 18.07.2013 had assigned lands to the concerned persons. Since as per G.O.Ms.No.255, Revenue LR(2), dated 10.07.2015, the office of the land reforms was abolished and the Revenue Divisional Officers were empowered to act as Assigning Authority. The computer patta and the revenue records were in favour of the allottees and the petitioner had called for the report from the concerned Tahsildar, Village Assistant and also called for the files from the Collectorate. After verification of all these facts, the petitioner issued orders, in which, he had referred the earlier orders passed by the Assistant Commissioner (Land Reforms), Villupuram and the communication received from the District Revenue Officer. The petitioner had only obeyed the order of his superior. In the complaint of the defacto complainant, it has been mentioned that the petitioner with a mala fide intention had given effect to the order of the land reforms.

4.It is to be seen that the Joint Commissioner(Land Reforms), Villupuram and the Assistant Commissioner(Land Reforms),Villupuram passed the orders much before the petitioner joining the station as Revenue Divisional Officer.As per the complaint,the period of conspiracy is between 2008 and 2013.During that period,the petitioner was not Revenue Divisional Officer and Assigning Authority.The petitioner is presently working as Special Deputy Collector, Stamps, Tiruchirapalli.The offences are only documents based offence and all the documents and files are with the respondent and higher officials.The petitioner had no access of these documents.The petitioner is having unblemished service records and he is residing with his family and he would cooperate with the investigation. Hence,he prayed to grant anticipatory bail to the petitioner.

5.The learned Additional Public Prosecutor appearing for the respondent filed counter and made his submissions that as per proceedings in R.C.No.K2/5523/2019, dated 27.07.2020, the Collector of Chengalpet District had directed the Revenue Divisional Officer, Tambaram in R.C.No.15114/2018/L.R, dated 29.07.2020 to initiate criminal action against the erring Land Reforms Government Officials. A1 is the then Joint Commissioner (Land Reforms), Villupuram, A2 is the then Assistant Commissioner (Land Reforms), Villupuram and the petitioner/A3 was the Revenue Divisional Officer, Chengalpet and also Assigning Authority. The petitioner is one amongst the Government officials, who indulged in distribution of government land of about 18 acres of land at Thazhambur Village to six individuals and issued patta to each of them for three acres and thereby, caused huge loss to the State Government.

6.It is further submitted that the Tahsildar, Vandalur during enquiry on 06.08.2020 produced the order of the Commissioner (Land Reforms), Chennai in Na.Ka.No.K2/5523/2019, dated 27.09.2020, the lands assigned was cancelled and reconverted as Anadheenam lands in the revenue records. The petitioner in collusion with the other accused had caused huge loss to the government revenue and opposed the grant of anticipatory bail. In this case, A1 is no more

7.On considering the rival submissions and on perusal of the materials, it is seen that the petitioner served as Revenue Divisional Officer (Land Reforms) during the period from May 2018-2019. The period of conspiracy is during the year 2008-2013. The petitioner acted as Assigning Authority, since the office of the land reforms was abolished as per G.O.Ms.No.255, Revenue, L.R(2), dated 10.07.2015. The 18 acres of land assigned to six persons on the orders passed by the Assistant Commissioner (Land Reforms), Villupuram. The petitioner followed the procedure and called for the files from the Collectorate and also made enquiry with the Tahsildar and other revenue officials. Thereafter, he gave effect to the orders passed in the year 2013.

8.The alleged offence are all document based offence which are already in possession and control of the respondent. The petitioner has been continuing his service and subsequently, got promotion as Special Deputy Collector, Stamps, Tiruchirapalli.

9.Further, as per the orders of the Administration Commissioner of Land Reforms, Chennai in Na.Ka.K2/5523/2019, dated 27.07.2020, the assigned lands were reconverted and restored as Anadheenam lands in the revenue records.

10.In view of the same, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Chengalpet on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of this Court concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police on every saturday and sunday at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d]the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

11.Accordingly, this Criminal Original Petition is ordered.

-sd/-

09/12/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, CHENGALPATTU

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

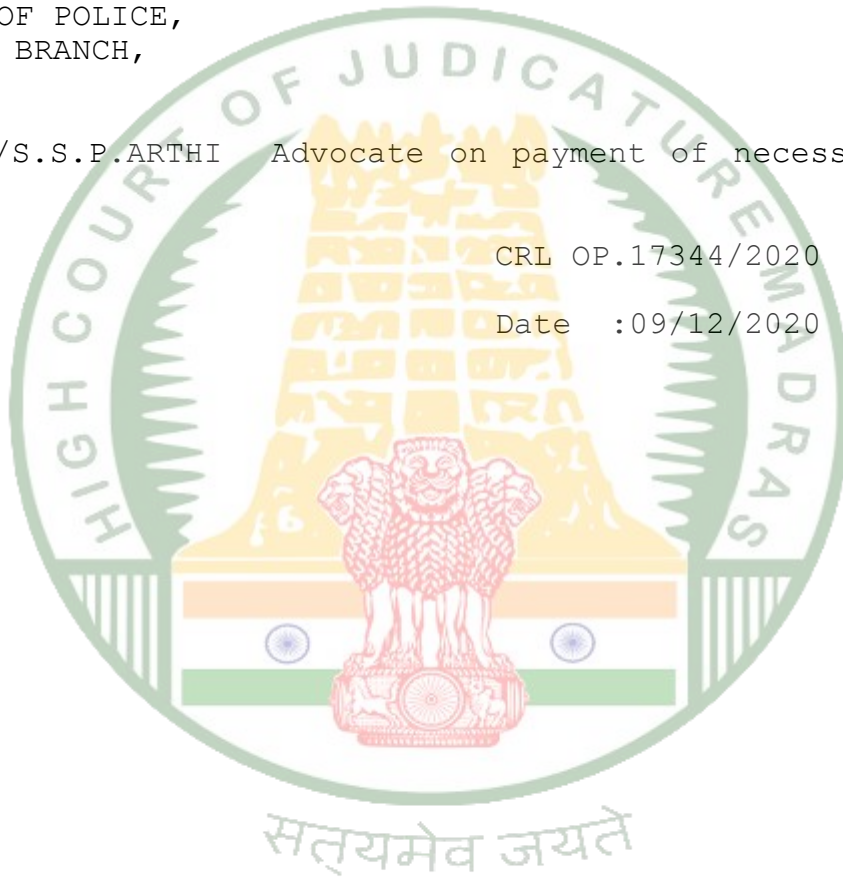
4 INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
KANCHEEPURAM.

CC to M/S.S.P.ARTHI Advocate on payment of necessary charges
SR.8178

CRL OP.17344/2020

Date :09/12/2020

RVR 14/12/2020



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