



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.12.2020

CORAM:

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P(MD)No.14411 of 2020

M.Ramu

... Petitioner

vs.

1)The Superintendent of Police,
O/o. The Superintendent of Police,
Madurai District.

2)The Tahsildar,
The Tahsildar Office,
Vadipatti,
Vadipatti Taluk,
Madurai District.

3)The Inspector of Police,
Vadipatti Police Station,
Vadipatti,
Madurai District.

4)T.Thirupathy

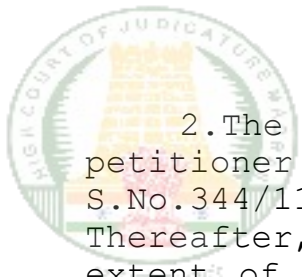
... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to consider the petitioner's representation and remove both the unauthorised boards erected by the 4th respondent in poromboke land facing the service road adjacent to the petitioner's lands in Survey No.344/6B in Thanichayam Village, Vadipatti Taluk, Madurai District.

For Petitioner : Mr.J.Pandi Dorai
For R1 to R3 : Mr.V.Neelakandan
Additional Public Prosecutor

ORDER

This petition has been filed to consider the petitioner's representation and remove both the unauthorised boards erected by the 4th respondent in poromboke land facing the service road adjacent to the petitioner's lands in Survey No.344/6B in Thanichayam Village, Vadipatti Taluk, Madurai District.



2.The learned counsel for the petitioner would state that the petitioner had purchased lands to an extent of 50 cents in S.No.344/11 Vadipatti Taluk, Madurai District on 15.07.2010. Thereafter, in 2011, he also purchased the adjacent lands to an extent of 75.34 in S.No.344/6B from the 4th respondent. He would state that the 4th respondent owns land to an extent of 1 acre and 81 cents adjacent to the lands of the petitioner in S.No.344/6B. While so, during October 2011, one Mr.S.Rajendran, real estate person approached the 4th respondent and expressed his willingness to buy both the petitioner's and 4th respondent's lands and agreeing to the same, the petitioner and the 4th respondent also entered into sale agreement with the said Rajendran for a consideration of Rs.1,37,75,000/- and the said Rajendran paid Rs.40,00,000/- in two installments and the petitioner and the 4th respondent issued a legal notice demanding payment of balance amount and even then, the said Rajendran did not pay the balance amount within three months as per the sale agreement and hence, the sale agreement stood lapsed. While so, the said Rajendran influenced the 3rd respondent/police and registered a criminal case against the petitioner and the 4th respondent in Crime No.382/2017.

3.He would further state that during September 2017, when the petitioner was in Chennai, the 4th respondent herein trespassed into his lands and erected a board wherein, he has stated that one criminal case in Crime No.382/2017 is pending regarding the lands in the above mentioned survey number and thereafter at the intervention of police, the board was removed. He would further state that the FIR in Crime No.382/2017 was quashed by this Court in Crl.O.P(MD) No.13454/2017, dated 26.07.2017. But, now again two unauthorised boards have been erected in poromboke lands adjacent to the petitioner's lands. Despite quashing of the FIR, the 4th respondent had not removed the boards and therefore, the petitioner made representations to the respondents 2 and 3/police to remove the unauthorised boards erected by the 4th respondent, but no action was taken. Hence, this petition.

4.The learned Additional Public Prosecutor would state that on the complaint of the petitioner in CSR.No.623/20 dated 14.12.2020, enquiry is pending.

5.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the respondents 1 to 3.

6.Considering the facts and circumstances of the case, the respondents/police are directed to consider the complaint of the petitioner and take appropriate action in the manner known to law within a period of four weeks from the date of receipt of a copy of this order.



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Crl.O.P.(MD)No.14411 of 2020

7.With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1)The Superintendent of Police,
O/o. The Superintendent of Police,
Madurai District.

2)The Tahsildar,
The Tahsildar Office,
Vadipatti,
Vadipatti Taluk,
Madurai District.

3)The Inspector of Police,
Vadipatti Police Station,
Vadipatti,
Madurai District.

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

+1 CC to Mr.J.PANDI DORAI, Advocate SR-26301.

ORDER MADE IN
Crl.O.P(MD)No.14411 of 2020
DATED : 17.12.2020

SSS(CO)
CS(28.12.2020) 3P 6C