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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18-11-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP Nos.7882 and 7883 of 2013

And

MP Nos.1 and 1 of 2013

M.Ramachandran .. Petitioner in both WPs

vs.

The Director of Vigilance and Anti Corruption,
NSC 21028-Judges Quarters,
P.N.Kumarasamy Raja Road,
Chennai - 600 028.

..

R-1 in WP 7882/2013

The District Revenue Officer,
Collectorate Complex,
Erode District,
Erode - 638 011.

..

R-1 in WP 7883/2013

The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Karungalpalayam,
Erode,
Erode District.

..R-2 in WP 7882/2013

The Revenue Divisional Officer,
Gobichettipalayam,
Erode District.

..R-2 in WP 7883/2013

The District Collector,
Erode District,
Erode - 638 011.

..

R-3 in WP 7882/2013

The Tahsildar,
Gobichettipalayam,
Erode District.

.. R-3 in WP 7883/2013



Ve.Rani

..R-4 in WP 7882/2013

K.Perumal

..R-4 in WP 7883/2013

Sumathi

..R-5 in WP 7882/2013

WP No.7882 of 2013 is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to conduct Detailed Enquiry and initiate prosecution against the respondents 4 and 5 for their act of fraudulent creation of revenue records and mutation entries relating to RTR 3992/2012 dated 31.10.2012 on the basis of the false documents, by considering the petitioner's representation dated 15.01.2013.

WP No.7883 of 2013 is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 2 and 3 to implement the order of the first respondent made in Na.No.1922/2013-U2 dated 30.01.2013 and restore mutation entries in its original position in respect of 75 cents in R.S.No.157 /9 Nichampalayam Village, Gobichettipalayam Taluk, Erode District and take action against the erring officials concerned as per the order made therein by considering the representation dated 18.02.2013.

For Petitioner in both WPs : Mr.N.Manokaran

For Respondents-1 to 3 in
both WPs : Mr.C.Selvaraj,

For Respondent-4 in
both WPs : Mr.V.P.K.Gowtham

For Respondent-5 in
WP No.7883/2013 : Ms.P.Girija

C O M M O N O R D E R

The relief sought for in WP No.7882 of 2013 is to direct the respondents 1 to 3 to conduct detailed enquiry and initiate prosecution against the respondents 4 and 5 for their act of fraudulent creation of revenue records and mutation entries relating to RTR 3992/2012 dated 31.10.2012 on the basis of the false documents, by considering the petitioner's representation dated 15.01.2013.



2. The relief sought for in WP No.7883 of 2013 is to direct the respondents 2 and 3 to implement the order of the first respondent made in Na.No.1922/2013-U2 dated 30.01.2013 and restore mutation entries in its original position in respect of 75 cents in R.S.No.157/9 Nichampalayam Village, Gobichettipalayam Taluk, Erode District and take action against the erring officials concerned as per the order made therein by considering the representation dated 18.02.2013.

3. The learned counsel for the petitioner made a submission that the fourth respondent in WP No.7883 of 2013 created forged documents and the patta granted originally was cancelled and therefore, the said order passed by the first respondent is to be implemented.

4. The other writ petition, namely, WP No.7882 of 2013 is filed to conduct an enquiry and initiate prosecution against the offence of forgery being allegedly committed by the contesting respondents.

5. At the outset, it is contended that the contesting respondents in both the writ petitions created forged documents in order to create right in their favour and even the revenue records are forged. The petitioner filed an application for cancellation of patta and the said petition was allowed. However, not implemented for effecting mutation in the entries in the revenue records.

6. The writ petitions were filed in the year 2013 and about eight years have lapsed. Further actions initiated by the parties and the Department is also not made available. Under these circumstances, the first respondent-District Revenue Officer is bound to look into all the relevant records and take all appropriate actions in respect of the allegations made between the parties.

7. If at all the offence of forgery is committed in respect of the revenue records, undoubtedly, suitable actions are to be initiated. If the case of petitioner is established, then the order of the first respondent is to be implemented. All such actions are to be initiated only after verifying the relevant records and by providing an opportunity to all the parties.

8. In this view of the matter, the first respondent-District Revenue Officer, Erode District is directed to conduct an enquiry by providing opportunity to all the parties concerned



and take a decision and pass appropriate orders for initiation of action as expeditiously as possible and preferably within a period of six months from the date of receipt of a copy of this order.

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9. With the abovesaid directions, the writ petitions stand disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-IV)

// True Copy //

Sub Assistant Registrar

Svn

To

1. The Director of Vigilance and Anti Corruption,
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5. The District Collector,
Erode District,
Erode - 638 011.
6. The Tahsildar,
Gobichettipalayam,
Erode District.



+2cc to Mr.N.Manokaran, Advocate SR.No.59851, 59852

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CB(02/12/2021)

WPs 7882 and 7883 of 2013