

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.19460 of 2018
and Crl.M.P.No.10305 of 2018

Raji .. Petitioner

Vs.

1.The Inspector of Police,
Anti Land Grabbing Special Cell,
Villupuram.
(Cr.No.92/2014)

2.Rahman Sait .. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Cr.No.92/2014 on the file of the 1st respondent Police and quash the same.

For Petitioner : Mr.N.Suresh

For R1 : Mr.C.E.Pratap

Government Advocate (Crl.Side)

For R2 : Mr.R.Meenal

ORDER

The petitioner has filed this petition to call for the records in

Cr.No.92/2014, on the file of the 1st respondent Police and quash the same.

2. The learned counsel appearing for the petitioner submitted that the petitioner has owned 40 ½ cent of land in S.F.No.138/1 of Chiterikarai Village, Villupuram District, out of the total extent of land admeasuring an extent of 1 acre and 94 cents. From the said portion of the land owned by the petitioner, he sold 20 ½ cents to the defacto complainant on 24.11.2005. Notwithstanding the said fact, the 2nd respondent claimed that the petitioner is only owned 20 ½ cents of land and the entire extent of land was sold in favour of the 2nd respondent and on that premise, the 2nd respondent has lodged a complaint before the law enforcing agency, as if the petitioner trespassed into the right of the 2nd respondent and executed a Sale Deeds in favour of his wife and Son, for sale of land admeasuring an extent of 10 cents from the property which was already sold to the 2nd respondent. Further the learned counsel appearing for the petitioner submitted that to resolve the issue, it would suffice, if this Court permits the petitioner to file an appropriate application before the jurisdictional Surveyor to measure the property and may handover 20 ½ cents in favour of the defacto complainant and this Court can fix outer time limit to conclude the entire proceedings.

3. The learned counsel appearing for the 2nd respondent submitted that admittedly the petitioner is owned only 20 ½ cents in S.F.No.138/1 in total as per the General Power of Attorney and the entire extent was sold in favour of the 2nd respondent and therefore he did not have any right over the property situated at S.F.No.138/1. However the petitioner, without having any title and right over the property, had illegally sold some portion of the property which was owned and possessed by the 2nd respondent, in favour of his son and wife. Further the learned counsel for the 2nd respondent, on instructions, submitted that however, if the petitioner is ready to measure and handover the property in question, he has no objection for the same .

4. This Court has carefully considered the rival submissions and also perused the materials available on records.

5. In view of the submissions made by the learned counsel appearing on either sides, this Court is inclined to permit the petitioner to file appropriate application before the jurisdictional Surveyor, to measure the property in question, within a period of four weeks from the date of

receipt of a copy of this order and the surveyor with the help of 1st respondent Police shall survey and measure the property and apportion the land to the extent of 20 ½ cents in favour of the defacto complainant and land, if any, in excess, shall be handed over to the petitioner and the entire exercise shall be completed as expeditiously as possible. After survey and measure, the law enforcing agency shall proceed the matter in accordance with law.

6. This Criminal Original Petition is disposed of with the above observations. Consequently connected miscellaneous petition is closed.

02.09.2021

Speaking/Non Speaking order
Index : Yes/No
Internet: Yes/No

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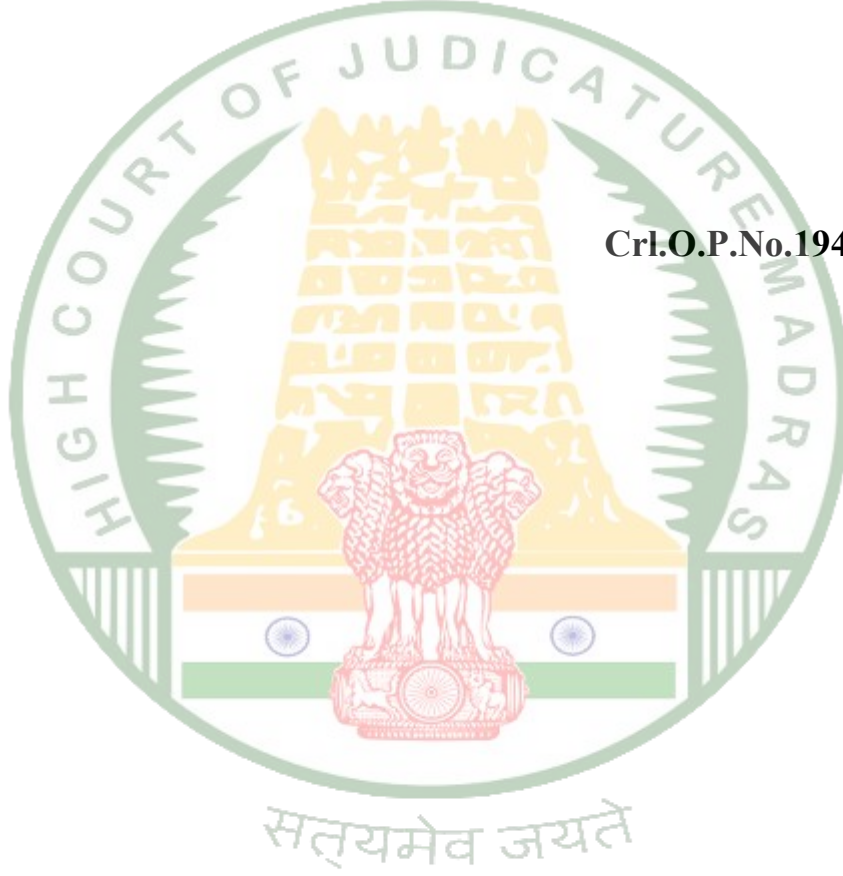
To

1. The Inspector of Police,
Anti Land Grabbing Special Cell,
Villupuram.

2. The Public Prosecutor,
High Court, Madras.

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M.DHANDAPANI,J.
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