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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.NO.13846 OF 2021

K.Chandran

.. Petitioner

Vs.

1. State represented by
The Secretary to the Government,
Home, Prohibition & Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Superintendent of Police,
Office of the Superintendent of Police,
Collectorate Campus,
Kancheepuram District.
3. The Inspector of Police,
District Crime Branch,
Office of the Superintendent of Police,
Collectorate Campus, Kancheepuram District.
4. The Superintendent of Police
CB-CID Wing,
No.42, Gandhi Nagar,
(Opp) Collector Office of Kancheepuram,
Kancheepuram District.
5. D.Ravichandran,
Revenue Divisional Officer,
Land Reforms,
Tambaram Revenue Division,
Chengalpet District.
6. Balasubramani,
Joint Commissioner (Land Reforms)
Villupuram.
7. Palaniammal
Assistant Commissioner (Land Reforms)
Villupuram.



8. Muthuvadivelu,
Revenue Divisional Officer,
Chengalpet.

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9. The District Collector,
Kancheepuram.

.. Respondents

(R9 suo motu impleaded vide order dated 18.08.2021 in
W.P.No.13846 of 2021)

Prayer:-

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the 1st respondent to transfer the investigation of FIR in Crime No.12 of 2020 for the offences under Sections 120-B, 477-A, 420 and 34 IPC dated 04.08.2020 from the file of the 3rd respondent the Inspector of Police, District Crime Branch, Kancheepuram, to the 4th respondent the Superintendent of Police, CB-CID Tamil Nadu consequently direct the 1st and 2nd respondents to dispose the petitioner's representation dated 02.06.2021.

For Petitioner : Mr.M.Vimal Bobby Crimson

For RR 1 to 4 & 9 : Mr.R.Muniyapparaj
Govt. Advocate (Crl.Side)

For R 5 : Mr.M.Maharaja

For RR 6 to 8 : No appearance

ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

This Public Interest Litigation has been filed by the petitioner alleging that some revenue officials had allotted 'Anadeenam' lands to an extent of 102.30 acres valued at Rs.134 crores to sixty six individuals and therefore, the case in District Crime Branch Crime No.12 of 2020, which is under investigation, deserves to be transferred to the file of the CB-CID for proper investigation.

2. D.Ravichandran, Revenue Divisional Officer, fifth respondent herein, has filed a status report dated 16.08.2021, wherein, in paragraph nos.4, 5 and 6, it is stated as follows:



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"4) It is submitted that in pursuant to the aforesaid direction of the Commissioner of Land Administration and the District Collector, Chengalpattu, this respondent lodged a criminal complaint against the following officials with the District Crime Branch, Kancheepuram,

1. Thiru.A.Balasubramani,
the then Joint Commissioner (Land Reform)
Villupuram.
2. Tmt.A.Palaniammal,
The then Assistant Commissioner (Land Reform)
Villupuram.
3. Thiru.D.Muthuvadivelu
The then Revenue Divisional Officer,
Chengalpattu.

5) It is submitted that in pursuant to the complaint lodged by this respondent, the 3rd respondent herein, filed a criminal case in crime No.12/2020 dated 04.08.2020 under Section 120B, 477A, 420 and 34 IPC and took up investigation.

6) It is submitted that apart from filing of criminal case against the aforesaid officials, the patta for the lands under dispute including for the lands which were assigned earlier were ordered to be cancelled by the Additional Chief Secretary/Commissioner of Land Administration, Chennai-5. Proceedings Rc.No.K2/5523/2019 dt.27.07.2020 and accordingly, the pattas for the lands referred in the aforesaid order were cancelled in the Revenue Village accounts."

3. The Inspector of Police, District Crime Branch, has also filed a status report dated 30.07.2021, wherein, he has given in detail the action that has been taken by him during the investigation of the case in Crime No.12 of 2020.

4. However, all these proceedings appear to have hit a road block as several persons have filed writ petitions and obtained stay orders against the order passed by the revenue authorities cancelling their pattas. These details have been furnished in paragraph no.8 of the status report dated 16.08.2021 of Ravichandran, Revenue Divisional Officer, fifth respondent.



In such view of the matter, we are of the opinion that this is not a fit case to transfer the investigation in Crime No.12 of 2020 from the file of the District Crime Branch to the file of the CB-CID and accordingly, this writ petition stands closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Secretary to the Government,
Home, Prohibition & Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Superintendent of Police,
Office of the Superintendent of Police,
Collectorate Campus,
Kancheepuram District.
3. The Inspector of Police,
District Crime Branch,
Office of the Superintendent of Police,
Collectorate Campus, Kancheepuram District.
4. The Superintendent of Police
CB-CID Wing,
No.42, Gandhi Nagar,
(Opp) Collector Office of Kancheepuram,
Kancheepuram District.
5. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

W.P.No.13846 of 2021

AD(CO)
PM/11/10/2021