



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2021

CORAM

THE HON'BLE Mr. JUSTICE C.V.KARTHIKEYAN

W.P.No.14525 of 2019
and W.M.P.No.14522 & 14523 of 2019

S.Venkatraj

.. Petitioner

Vs.

1.The Inspector of Police,
Central Crime Branch II,
Anti-Land Grabbing Special Cell II,
Team 23A
Vepery, Chennai - 7.

2.Tashildar
Office of the Tashildar,
Chengalpet.

3.M.Vasanthi,

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the 1st respondent in his letter dated 18.03.2019, copy of which is not served on the petitioner, addressed to 2nd respondent, directing to measure the property and furnish documents with reference to the property situated at Old Survey No.10/1B2, assigned New Survey No.10/12 and 10/13 after subdivision measuring to an extent of 9592 sq.ft in old patta No.4040, New Patta No.4115, Puthur Village, Kattangolathur Panchayat Union, Chengalpet Taluk, Kancheepuram District and to quash the same, and forbearing the respondents from proceeding further pursuant to the impugned notice, which is the subject matter of pending civil suit in O.S.No.101/2019, pending on the file of the District Court, Chengalpet.

For Petitioner .. Ms.Vaitheeswari
for S.Sundaresan

For R1 & R2 .. Mr.K.M.D.Muhilan
(Govt.Advocate)



ORDER

This Writ Petition has been filed in the nature of Certiorarified Mandamus seeking to interfere with the letter dated 18.03.2019 issued by the 1st respondent calling upon the 2nd respondent to conduct an inspection over the lands in Old S.No.10/1 B2 which are in New S.Nos.10/12 and 10/13 after subdivision and measuring to an extent of 9592 sq.ft in Old Patta No.4040, New Patta No.4115, Puthur Village, Kattangolathur Panchayat Union, Chengalpet Taluk, Kancheepuram District.

2.It is stated that with respect to the said lands a suit is also pending in O.S.No.101 of 2019 on the file of the District Court, Chengalpet. It is also seen from the records forwarded by Mr.K.M.D.Muhilan, learned Government Advocate, that a FIR in Crime No.165 of 2018 is also pending which had been registered under Sections 419, 465, 467, 468, 471 and 120B of IPC by the 1st respondent namely, the Inspector of Police, Central Crime Branch II, Anti-Land Grabbing Special Cell II, Chennai. This was pursuant to a complaint given by the 3rd respondent in the writ petition, M.Vasanthi.

3.The learned counsel for the petitioner stated that the petitioner's name had been deleted from the list of accused in the FIR. The petitioner is deeply aggrieved by the letter which is now sought to be impugned, whereby during the course of investigation in the said Crime No.165 of 2018, the 1st respondent had issued a letter to the Tahsildar, to inspect the lands and survey the said lands.

4.I would direct the 1st respondent to take necessary action towards such investigation after obtaining necessary permission from the concerned Judicial Magistrate Court where the FIR had been filed and thereafter, proceed further with the investigation in Crime No.165 of 2018. The privilege of Investigation Officer to examine the contents of the complaint, is not being diluted by this particular order, but rather being regulated by informing that he should get necessary permission from the concerned Magistrate Court, where the FIR is filed and enter into the lands and conduct survey purely for investigation purposes with respect to the offences mentioned in the Crime No.165 of 2018.

5.The 1st respondent may also keep in mind that a Civil Suit in O.S.No.101 of 2019 is pending on the file of the District Court, Chengalpet and therefore, limit the investigation to the averments made in the complaint and to the surrounding circumstances on the basis of which Crime No.165 of 2018 had been registered.



6. With the said observations, the Writ Petition is disposed of with a direction to the 1st respondent to approach the jurisdictional Magistrate Court, get necessary orders and thereafter, enter upon the lands and conduct survey. To that extent, the order now questioned is set aside, however, giving such liberty to the 1st respondent as aforesaid. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

smv

To,

1. The Inspector of Police,
Central Crime Branch II,
Anti-Land Grabbing Special Cell II,
Team 23A
Vepery, Chennai - 7.

2. Tashildar
Office of the Tashildar, Chengalpet.

+1CC to Government Pleader, Sr.No.39789

W.P.No.14525 of 2019

KSM (CO)
K.RK. (02.09.2021)