



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.17777 of 2021
and W.M.P.No.18957 of 2021

Habiburrahman

... Petitioner

Versus

1. The Commissioner of Police,
Commissioner Office,
Sirupooluvapatti,
Tiruppur District.
2. The Inspector of Police,
Nallur Police Station,
Tiruppur District.
3. Mr. M. Rangarajan @ Ranganathan,
S/o.M.Kaliyappan

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the 2nd respondent not indulge any illegal activities in connivance with 3rd respondent regarding forcible dispossession of petitioner from his property in pursuant to the complaint in CSR No.95/2021.

For Petitioner : Mr. K.Sudhakar

For Respondents : Mr.A.Damodaran,
Government Advocate (Crl.Side)
for R1 and R2

ORDER

(This case has been heard through video conference)

This Writ Petition has been filed seeking a direction directing the 2nd respondent not to indulge in any illegal activities in connivance with 3rd respondent regarding forcible dispossession of petitioner from his property in pursuant to the complaint in C.S.R. No.95 of 2021.



2. The petitioner had purchased the property from one Rajan by registered sale deed in document No.1647/2010 on 08.04.2010 in Tiruppur Town, Ward No.41, Semmedu Thottam and thereafter, put up small shed and the property was also assessed tax from Tiruppur Corporation. Electricity Board connection was obtained in the year 2011. From then, the petitioner is in peaceful enjoyment of the property and the said Kandasamy had purchased the property from one Raman in the year 1998 in document No.2042 of 1998. According to the petitioner, the legal heirs of Raman have filed a petition before the Sub-Collector in the year 2018 stating that it is an assigned land and the same cannot be sold to third persons. Considering the same, the Sub-Collector by an order dated 28.01.2019 had granted patta to the 3rd respondent and others. In the meanwhile, the Revenue Divisional Officer, Tiruppur in Na.Ka.No.11031/2019/J2, dated 28.06.2021 had cancelled the documents executed by the said Kandasamy, who using the forged document had created exclusive right over the property. The petitioner has filed a Writ Petition in W.P.No.14934 of 20221 before this court, which is pending. Admittedly, no interim order has been granted. In the meanwhile, the respondent police are taking steps to evict the petitioner forcibly. Hence, he seeks police protection.

3. The learned Government Advocate (Criminal side) appearing for respondents 1 and 2 would submit that the plots, which have been developed, in which, the petitioner has purchased, though it is an assigned land and the assigned land cannot be transferred to third persons. Further, one Kandasamy had forged the legal heir certificate as if he is exclusive son of one Raman and sold the property to one Rajan and thereafter, the said Rajan sold the property to the petitioner. The other legal heirs of Raman has filed a petition before the Sub-Collector and got patta in their name. Further, the Revenue Divisional Officer by its proceedings dated 28.06.2021 had cancelled the patta issued on the strength of sale deed executed by Kandasamy. Now, the respondent police, on receipt of complaint from 3rd respondent, had now written to the revenue authorities seeking present status of title of petitioner and his right over the property. For the purpose of investigation and enquiry, the petitioner was summoned. The petitioner failed to respond to the summons of the respondent police and he approached this court.

4. I have considered the submissions made on either side and perused the materials available on records carefully.

5. On perusal of materials, it is seen that admittedly, in this case, enquiry is pending against the petitioner. In view of the same, the petitioner is directed to appear before the respondent police and produce all the relevant documents in support of his claim.



6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rpp/dsn

To

1. The Commissioner of Police,
Commissioner Office,
Sirupooluvapatti,
Tiruppur District.
2. The Inspector of Police,
Nallur Police Station,
Tiruppur District.

+1cc to Mr. K.Sudhakar, Advocate, S.R.No.43760

W.P.No.17777 of 2021
and W.M.P.No.18957 of 2021

SV-I (CO)
CT(23/09/2021)