



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P.NO.18803 OF 2014

AND

M.P.NO.2 OF 2014

D.Gunasekaran

...Petitioner

Vs.

1.The Tahsildar,
Harur, Dharmapuri District.

2.The Inspector of Police,
Land Grabbing Cell,
Dharmapuri.

3.Chitra

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for records relating to the 1st respondent proceedings in Na.Ka.11579/2012/SI dated 10.06.2013 and quash the same.

For Petitioner : Mr.K.A.Ravindran

For Respondents 1 & 2 : Mr.C.Selvaraj
Additional Government Pleader

For Respondent 3 : No Appearance

O R D E R

The report of the Tahsildar dated 10.06.2013 is under challenge in the present Writ Petition.

2. The report obtained by the petitioner under the Right to Information Act, 2005, reveals that the Tahsildar submitted a report to the Inspector of Police, Land Grabbing Cell, Dharmapuri. The Tahsildar in his report enumerated the facts and circumstances as well as the details regarding the documents and also the details of the transfer of property effected. Such a report would not provide a cause for the Writ Petitioner to move a Writ Petition, as it is an internal communication between



the Tahsildar and the Inspector of Police, Land Grabbing Cell, for the purpose of conducting an investigation.

3. In case, the Writ Petitioner finds any discrepancies or errors in the report, such discrepancies or errors are to be brought to the notice of the investigating officers by placing all relevant documents, explanations, objections or otherwise. Contrarily, the High Court in writ proceedings cannot adjudicate such disputed issues and make a finding, whether the sale is genuine one or it is a re-sale or otherwise. All such factors are to be adjudicated with reference to the original documents and evidences to be placed by the respective parties and if necessary through oral evidences. However, such an adjudication is not possible in a writ proceedings, more specifically, when the nature of the dispute is relating to the immovable property.

4. The learned counsel appearing on behalf of the petitioner strenuously contended that the petitioner is a bonafide purchaser. Whether the petitioner is a bonafide purchaser or not is the subject matter of the investigation to be conducted by the competent authorities. The report of the Tahsildar was communicated to the Inspector of Police, Land Grabbing Cell, Dharmapuri. Thus, the Inspector of Police has to conduct further investigation to find genuintiy of the transfer of property or otherwise, in accordance with the provisions of law.

5. This being the procedure to be followed, this Court is of the considered opinion that the High Court cannot interfere with the process of investigation which is already set in motion. The process of adjudication and information collected while investigation are in process and the issue has to be adjudicated before the competent Court of law and such adjudication cannot be undertaken in the Writ Petition under Article 226 of the Constitution of India. Thus, it is for the petitioner to place all the documents, evidences and relevant informations to the authorities competent for the purpose of establishing his innocence or otherwise.

6. With these observations, the Writ Petition stands dismissed. Consequently, connected Miscellaneous Petition is also closed. No costs.

Sd/-
Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

kan/shr



To

1. The Tahsildar,
Harur, Dharmapuri District.

2. The Inspector of Police,
Land Grabbing Cell,
Dharmapuri.

+1cc to Mr.K.A.Ravindran, Advocate SR.No.61339

+1cc to the Government Advocate SR.No.61979

W.P.No.18803 of 2014
and
M.P.No.2 of 2014

SSI (CO)
RVM(09/12/2021)