



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2021

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL.O.P.NO.27520 OF 2019

AND

CRL.M.P.NO.14701 OF 2019

1.Tmt.A.Valliyammal

2.A.Settu

.. Petitioners/
Accused NO.5 & 13

/versus/

1.State represented by
Assistant Commissioner of Police,
Central Crime Branch ALGSC-II,
Greater Chennai Police,
Vepery, Chennai 600 007.
Cr.No.140 of 2019

2.S.Sakthivel
Regional Joint Director of Industries and
Commerce,
Thiru.Vi.Ka.Industrial Estate,
Guindy Chennai 32.

.. Respondents/
Defacto Complainant

PRAYER:

Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for the records relating to the FIR in Crime No.140 of 2019 dated 23.08.2019 pending on the file of the Central Crime Branch ALGSC-II, Greater Chennai Police, Vepery, Chennai 1st respondent herein quash the same in so far as the petitioners are concerned.

For Petitioners	:Mr.R.Sankara Subbu
For Respondents	:Mr.A.Gokulakrishnan
	Additional Public Prosecutor for R1
	Mr.A.Palaniappan for R2



ORDER

This Criminal Original Petition has been filed seeking to call for the records relating to the First Information Report in Crime No.140 of 2019 dated 23.08.2019 pending on the file of the Central Crime Branch ALGSC-II, Greater Chennai Police, Vepery, Chennai, 1st respondent herein and quash the same in so far as the petitioners are concerned.

2.The averments made in the complaint lodged by the second respondent is that, the lands, located at S.No.1086 to an extent of 20.00 acres; S.No.1088/1 to an extent of 6.68 acres and S.No.1087/1 to an extent of Rs.2.00 acres, totally to an extent of 28.68 acres at Madhavaram Taluk, have been acquired by the Government of Madras for Establishment of Leather Estate. When the organization of TALCO had become defunct, the lands located at Madhavaram was handed over to the 2nd respondent/de facto complainant. After allotting a part of the land to the above mentioned TALCO Industrial Estate, an extent of 12 acres of vacant land is still existing under the control of the 2nd respondent. It is alleged that, the 2nd petitioner along with Harikrishnan, Gowri, A.Valliammal and Parimala had claimed right over the lands vested with the 2nd respondent, by virtue of various settlement deeds executed by the first petitioner along with Pitchaimuthu, Karunadevi, Vasugi, Parthasarathi, Alamelu, Antony, Shoba, Raj, and Sathiyavannan, based on the fraudulent and forged documents created for the purpose of grabbing the property vested with the second respondent. The buyers of the lands approached the special Tahsildar, Madhavaram with a request to issue patta and it was rejected for the reason that the land is belonged to TALCO as per the revenue records. Thereafter, the complaint dated 23.08.2019 was lodged by the second respondent against the petitioners and other accused for creating fabricated documents with malafide intention to grab government lands.

3.It is also averred that, the petitioners along with others are in possession and enjoyment of the property. Whether the documents are genuine or not, a detailed enquiry is required. The proceedings with regard to the cancellation of the patta was taken up by the Special Tahsildar in the year 2019. Against that, they preferred an appeal in A.No.D17889 of 2019 pending on the file of the Assistant Settlement Officer, Survey and Settlement Office, Chepauk, Ezhilagam, Chennai and notice were also ordered. The appeal was pending. All the petitioners claimed to be having valid title over the said property. It could be decided only after completion of the proceedings pending before the Revenue Authorities.

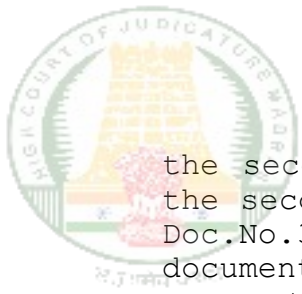


4.The learned counsel appearing for the second respondent submitted by way of reply that based on the documents given by the second respondent, the patta was cancelled by the Special Tahsildar. Since they attempted to grab the property belonged to the Government, they fraudulently created the bogus documents. Therefore, the complaint was lodged against the petitioners and First Information Report was registered against them in Crime No. 140 of 2019 and investigation was conducted. Based upon the documents collected pursuant to the registration of the First Information Report, the criminal proceedings were initiated against the petitioners.

5.The learned counsel appearing for the petitioners also relied upon the document styled as sale deed which is dated 15.06.1958 comprised in three survey numbers viz., 1086, 1087 and 1088 with a total extent of 5.45 cents. This document is a fabricated one and the same is also unregistered one and it is not maintainable in law. He also relied on by the documents namely, Settlement Extract, A Register. The learned counsel appearing for the second respondent pointed out that, the survey numbers 1086, 1088/1 and 1087 are classified as Rayatwari punjai land. A writ petition in W.P.No.34591 of 2019 filed by the petitioners along with others was dismissed. The land in S.No.1086 has got 28 acres 68 cents; and S.No.1086 has got 29 acres and S.No.1088/1 has got 6.68 acres and by way of creating fabricated documents, the properties belonged to the second respondent is sought to be grabbed. For the exempted property, the second respondent raised an objection. Based on the complaint given by the second respondent, the respondent police found prima facie materials against the petitioners, hence, registered First Information Report against these petitioners. Hence, he prayed that the criminal original petition may be dismissed as no merits.

6.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the 1st respondent and the learned counsel appearing for the second respondent.

7.On a perusal of the records, it could be seen that, the petitioners are claiming right over the property, based upon the unregistered sale deed dated 15.06.1958, which is enclosed as Doc.No.2 in the typed set of papers filed by the petitioners. Further, it reveals that on 15.06.1958, the property was valued at Rs.14,500 and the alleged document is said to have been executed in the year 1958. On a bare perusal of the records, it is seen that the unregistered sale deed relates to the S.Nos.1086, 1087 and 1088, measuring an extent of 5 acres 45 cents. Based upon this document, the settlement deed was executed in favour of the first petitioner, who is the mother of



the second petitioner and she settled the property in favour of the second petitioner, who is the son of the first petitioner in Doc.No.3389 dated 31.05.2019. Even on a perusal of the documents in the 1958, it is an unregistered document. Once it was settled in favour of the second respondent, subsequently, based upon the sale deed, the Patta was also issued. Hence, the objection was raised by the second respondent. Based upon that, the Revenue officials cancelled the Patta. Aggrieved by the order of the Revenue officials, the petitioner has filed an appeal against the Revenue officials and the same is pending. Based upon the long possession, they are claiming right over the property in question. But, as per Section of the Registration Act, if the property values more than Rs.100/- it requires compulsory registration.

8.It is seen that the property belonged to the Government worth about crores, but on bare perusal of the said document, it could be ascertained that it is a fabricated document and based upon which, the petitioners claimed right and title over the property. To claim right over the property the petitioners should have valid documents, but without any lawful documents all these years, the petitioners caused all sort of annoyance to the second respondent and the government officials. The investigation agency has rightly conducted the investigation and the Revenue officials also cancelled the Patta and though against that order, the petitioners have filed an appeal before the appellate authority and the same is pending but it is independent proceeding. The petitioners stealthily wanted to grab the government property through an unregistered document which does not even contain proper description of property schedule. Therefore, I do not find any irregularity in initiating the criminal proceedings against the petitioners. Hence, this Criminal Original Petition is dismissed. However, if any defence is available to the petitioners, they are at liberty to work out their remedy before the trial Court. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

1. The Assistant Commissioner of Police,
Central Crime Branch, ALGSC-II,
Greater Chennai Police, Vepery,
Chennai 600 007.
2. The Public Prosecutor, High Court, Madras.

+1cc to Mr.A.Palaniappan, Advocate, S.R.No.69269

Crl.O.P.No.27520 of 2019
and
Crl.M.P.No.14701 of 2019

VGII (CO)
PM/28/01/2022