



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.02.2021

CORAM :

THE HONOURABLE **Mrs.JUSTICE R.THARANI**

Crl.R.C. (MD)No.73 of 2021

Arulraj

...Petitioner/petitioner

/Vs./

1.Ragavan

2.Selvi

3.Kanthesan

4.Singara Murugan

5.Jeyakumari

6.State Represented by the Inspector of Police,

Anti Land Grabbing Special Cell Police Station,

Tirunelveli District.

...Respondents/Respondents

Prayer: Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, to call for records relating to the order passed by the Land Grabbing Special Court, Tirunelveli, in Cr.M.P.No.60 of 2020, dated 23.11.2020 and set aside the same.

For Petitioner : Mr.T.A.Ebenezer

For Respondent No.6 : Mrs.S.Bharathi

Government Advocate

ORDER

This Criminal Revision Case has been filed by the petitioner to set aside the order passed by the Land Grabbing Special Court, Tirunelveli, in Cr.M.P.No.60 of 2020, dated 23.11.2020.

2. On the side of the petitioner, it is stated that the petitioner's mother got a decree against the mother of the first respondent in a civil suit and she got possession of the property by way of filing an Execution Petition. Whereas the mother of the first respondent created fabricated document as if the mother of the petitioner executed a settlement deed in favour of her, and on the basis of the fabricated settlement deed dated 08.02.2007, she sold the property to the second respondent, then, the second respondent sold the property to the third respondent and then the third respondent sold the property to the fourth respondent and finally, the fourth respondent sold the property to the fifth respondent. The petitioner was working in Chennai and when he returned back to the Village in the year 2017, he came to know that the property was trespassed by the respondents. Therefore, he lodged a complaint against the respondents before the police. Since no action was taken, the petitioner filed a petition before the Special Court for Land Grabbing, Tirunelveli, under Section 156 (3) Cr.P.C., which was dismissed by the Court. Against the dismissal order, the petitioner preferred this Criminal Revision Case.



3. The verification of the records reveals that the property involved was a common property. The property was mentioned as Item No.4 in the suit.

4. On the side of the petitioner, it is stated that the very same property was mentioned as Item No.1 in the suit and the Execution Court has also given the property in possession of the petitioner.

5. It is seen that both Item No.1 and Item No.4 of the suit properties are the same. The Civil Court has given a verdict that the first property belongs to the mother of the petitioner and has decided that the fourth property is a common property. It seems that something is wrong in the judgment of the Civil Court and also in the description of the property before the Civil Court, since Item No.4 and Item No.1 of the property mentioned before the Civil Court are the same.

6. In the above circumstance, the petitioner is directed to approach the Civil Court to get proper remedy or to file a private complaint, if he is so advised. This Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Land Grabbing Special Court, Tirunelveli.

2.The Inspector of Police,
Anti Land Grabbing Special Cell Police Station,
Tirunelveli District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.R.C.(MD)No.73 of 2021

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MJ(CO)

KB(04.03.2021) 2P 4C

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