



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2021

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

Crl.O.P. (MD)No.5294 of 2021

WEB COPY

Gopal

... Petitioner

Vs.

1. The Inspector of Police,
Land Grabbing Cell,
Palayamkottai,
Tirunelveli District.

2. The Inspector of Police,
Sankarankovil Town Police Station,
Sankarankovil,
Tenkasi District.

3. Chellapandiyan.

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st respondent to not to harass the petitioner on the guise of the 2nd complaint given by Chellapandian, S/o.Palani.

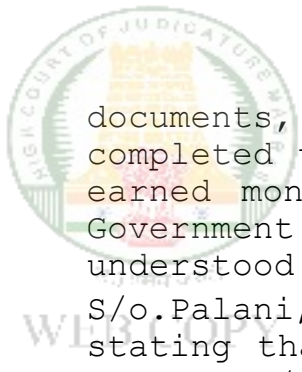
For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondents 1 & 2 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed for directing the 1st respondent not to harass the petitioner under the guise of enquiry.

2. The case of the petitioner is that in the month of December 2020, he purchased a piece of land in Sy.No.732/2 in Kalappankulam Village, Sankarankoil Taluk, Tenkasi District in the name of his wife Anuja for a valuable sale consideration from one Manikandan, S/o.Kandasamy vide registered document duly registered before SRO, Sankarankovil. It is understood that the said vendor Manikandan possesses registered Sale Deed in his name and as that the petitioner and his wife relying upon those patta and original



documents, entered into transaction with the said Manikandan and completed the sale after paying the consideration out of their hard earned money. It is pertinent to note that this petitioner is a Government employee working in Veterinary Department. The petitioner understood that the defacto complainant, one Chellapandian, S/o.Palani, originally lodged a complaint before the 2nd respondent stating that he is the original pattadhar of the aforesaid land in Sy.No.732/2 in Kalappankulam Village, Sankarankovil Taluk, Tenkasi District and the same was sold through a fabricated Power of Attorney to one Ramakrishnan. It is specifically alleged that the Aadhar card attached to the said Power of Attorney was fabricated. Thereafter, the said Ramakrishnan as a power agent of Chellapandian sold the aforesaid land vide registered Document No.2016/2020 to one Manikandan. The said Manikandan being a real estator sold the aforesaid land to the petitioner's wife. The 2nd respondent, after enquiry, closed the complaint and directed the defacto complainant to work out the remedy before the Civil Court. The defacto complainant suppressing the complaint given to the 2nd respondent, lodged a 2nd complaint before the 1st respondent Land Grabbing Cell and again accused the petitioner and his wife on the same line of complaint. Admittedly, the defacto complainant himself admits the alleged fraud in the power of attorney. The 1st respondent on complete bias threatened the petitioner and his wife to execute cancellation of sale deed in favour of the defacto complainant. The 1st respondent had not issued any summons till date, on the complaint of the defacto complainant to the petitioner and others. However, 1st respondent is conducting Katta Panchayat in a civil dispute. The 1st respondent, not at all considered the case of the petitioner and his wife under the term of bonafide purchaser. Hence this petition.

3. The learned counsel for the petitioner would submit that the petitioner's wife is a subsequent purchaser of the property in the suit and she was not connected with the alleged forgery of the power of attorney.

4. The learned Additional Public prosecutor would submit that, on the basis of the complaint given by the third respondent, on the point of jurisdiction, it was transferred to Tenkasi Anti Land Grabbing Cell and enquiry is under way.

5. Since the learned Additional Public Prosecutor submitted that the complaint is transferred to Tenkasi Anti Land Grabbing Cell, the petitioner is directed to appear on summons and co-operate for the enquiry.



6. With the above observations, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar (A.D.II)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

kmm

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 Inspector of Police,
Land Grabbing Cell,
Palayamkottai,
Tirunelveli District.
2. The Inspector of Police,
Sankarankovil Town Police Station,
Sankarankovil,
Tenkasi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.M.VISHNUVARTHANAN, Advocate (SR-16159[F] dated 17/04/2021)

Crl.O.P. (MD)No.5294 of 2021
16.04.2021

RD(6.08.2021) 3P 5C