



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl.R.C. (MD)No.799 of 2021

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P.Raja

... Petitioner

Vs.

1.The Superintendent of Police,
O/o. The Superintendent of Police,
Surveyor Colony,
Madurai.

2.The Inspector of Police,
Usilampatti Police Station,
Usilampatti,
Madurai District.

... Respondents

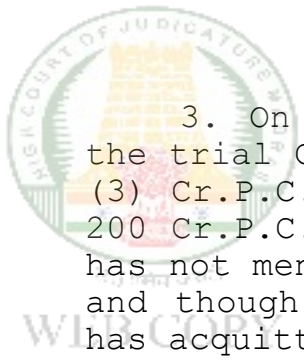
Prayer : Criminal Revision Case filed under Sections 397 r/w. Section 401 Cr.P.C., to call for the records relating to the impugned order passed in Crl.M.P.No.71 of 2021 dated 09.08.2021 by the learned District Munsif cum Judicial Magistrate I, Usilampatti and to set aside the same and direct the learned District Munsif cum Judicial Magistrate I, Usilampatti to direct the second respondent Police to Register a FIR on the complaint given by the petitioner dated 07.11.2020.

For Petitioner	: Mr.S.Namonarayanan
For Respondents	: Mrs.K.Suresh Kumar
	Government Advocate.

ORDER

This Criminal Revision has been filed to set aside the order passed in Cr.M.P.No.71 of 2021, dated 09.08.2021, on the file of the learned District Munsif cum Judicial Magistrate I, Usilampatti.

2. The case of the petitioner is that names were transferred in Patta Nos.270 and 582, and new pattas in Patta Nos.1007 and 582 were issued, without any order from the Tahsildhar, somebody has committed some changes in the computer available in the Tahsildhar office and change the name in the patta. The petitioner has filed a petition before the Police Station. Since no action was taken by the Police, the petitioner has filed a complaint under Section 156(3) Cr.P.C before the District Muncif cum Judicial Magistrate, Usilampatti and the same was taken on file as Crl.M.P.No.71 of 2021. That petition was dismissed by the trial Court. Against the dismissal order, the petitioner has filed this Criminal Revision Petition.



3. On the side of the revision petitioner, it is stated that the trial Court instead of forwarding the petition under Section 156 (3) Cr.P.C., for investigation, has converted it under Section into 200 Cr.P.C., and dismissed the petition stating that the petitioner has not mentioned the date of occurrence and who are all the accused and though decided the matter as civil in nature, the trial Court has acquitted the accused as if it is a criminal case.

4. On the side of the prosecution, it is stated that no *prima facie* case was made out in the petition. The petitioner has not filed any petition before the Tahsildhar or before the Revenue Divisional Officer and the case is civil in nature.

5. A perusal of the records reveals that the petitioner has filed the petition before the Tahsildhar on 18.05.2018 and he was instructed to file an appeal before the District Revenue Officer. Subsequently, the petitioner has approach the District Revenue Officer and filed a revision petition in Na.Ka.No.55709/2018/G2 dated 22.10.2020. The petitioner has lodged a complaint before the police and he marked the documents as Ex.P4 to Ex.P6. The petitioner has received information through the Right to Information Act, wherein it is stated that no proceedings was taken for transfer of name in the patta in Patta Nos.1007 and 582 and that only in the computer, the name in the patta was transferred. A perusal of the order of the Tahsildhar also reveals that the name transfer was done only in the computer and there is no proceedings for name transfer. It is seen that the appeal before the District Revenue Officer is pending.

6. In the above circumstances in the interest of justice, this Court orders the District Revenue Officer to conduct a detail enquiry and to find out why the name was transferred in the computer. If there was no order for transfer of patta, the District Revenue Officer is hereby directed to take necessary action against concerned persons. The District Revenue Officer is hereby directed to file a report of the proceedings before this Court within a period of two months from the date of receipt of copy of the enquiry.

7. With the above directions, this Criminal Revision Case is disposed of.

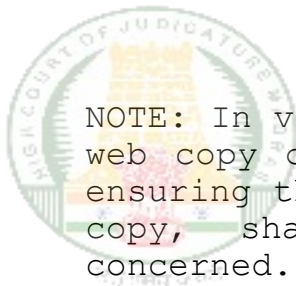
Sd/-

Assistant Registrar (CS-III)

// 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.

WEB COPY

- To
- 1.The District Munsif cum Judicial Magistrate-I,
Usilampatti.
 - 2.The District Revenue Officer,
Madurai.
 - 3.The Superintendent of Police,
O/o. The Superintendent of Police,
Surveyor Colony,
Madurai.
 - 4.The Inspector of Police,
Usilampatti Police Station,
Usilampatti,
Madurai District.
 - 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S. NAMONARAYANAN, Advocate (SR-35700[F]
dated 24/11/2021)

Crl. R.C.(MD)No.799 of 2021
23.11.2021

NSN (CO)
MGJ(08.12.2021) 3P 7C