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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.1830 OF 2022

M/s.VAK Engineering Pvt.Ltd.
Represented by its Director,
Mr.Rajesh Malhotra M / 69 years,
Having his administrative office at,
No.294 Thambu Chetty Street,
Chennai.

...Petitioner

Vs.

State.rep by
1.Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai.

2.Director General of Police,
(Crime Branch CID),
No.24, Pantheon Road,
Komaleeswaranpet,
Egmore, Chennai - 08.

3.The Deputy Superintendent of Police,
CBCID Headquarters,
Chennai, Egmore - 08.

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 3rd respondent to taken up the complaint dated 01.01.2022 and to Register the FIR in the complaint and proceed into the investigation.

For Petitioner : Mr.R.C.Paul Kanagaraj

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor.

ORDER

This Criminal Original Petition is filed to direct the 3rd respondent to take up the complaint dated 01.01.2022 and to register the FIR in the complaint and proceed into the investigation.



2.The grievance of the petitioner is that the petitioner earlier lodged a complaint to the second respondent on 27.10.2021, followed by the complaint to the first respondent on 29.12.2021, lastly, on 01.01.2022, a complaint was lodged to the first respondent. The petitioner submits that, Commissioner of Land Administration, in Roc.No.k2/1284064/2021, dated 30.12.2021, after a detailed enquiry, finding that the documents produced by A.R.Sridharan found to be forged and the order of the Assistant Settlement Officer, granting patta under Section 8 (1) of the Act 30/63 in respect of Ward E, Block1, TS No.138 (Old S.No.20/1 part), for an extent of approximately 3 acres and the entry made in the revenue records subsequent to the order are to be deleted, further proceedings of Settlement Office in R.C.No.(D4)987-2/2020 dated 20.07.2021 were found to be obtained by fraudulent act, the patta granted by the Assistant Settlement Officer and subsequent order of settlement officer set aside. In view of the same, it is proved that the A.R.Sridharan committed offence of forgery in connivance with Revenue Officials, Surveyor tampered and forged official records and claimed right over the property. The present complaint given enclosing all the previous orders narrating the events sequentially and also enclosed the proceedings of the Commissioner of Land Administration, in Roc.No.k2/1284064/2021, dated 30.12.2021, the Commissioner of Land Administration passed orders, in it in paragraph Nos.8, 22, 23 and 24. Further in the order, the involvement of A.R.Sridharan, the special interest shown and orders passed in haste by the Settlement Officer S.Ravi are deliberated. Further found fraud played and fraudulent acts committed in the penultimate paragraph 28 is as follows:

"28.Under the exceptional circumstances wherein fraud vitiates all the other proceedings, I have no hesitation that warrants an order declaring the orders passed by the then Settlement Officer to be issued. Hence, the orders passed by the then Settlement Officer in R.C.No.(D4)987/2020 dt 20.07.2021 and the R.C.No.(D4)987-2/2020 dt 20.07.2021 are hereby declared null and void. The incumbent Settlement Officer is requested to complete the proceedings expeditiously as directed by the Hon'ble High Court and report compliance to the Hon'ble High Court, Madras."

3.Thus A.R.Sridharan in connivance with Revenue and other officials and staffs in tampering with Government records and committing forgery proved. Annexing all those documents along with the earlier orders and directions of the High Court, complaint given, but no action taken.



4.The learned counsel for the petitioner R.C.Paul Kanagaraj submitted that the power and influence of A.R.Sridharan (9789066732) with the Revenue staff and authorities and others cannot be brushed aside lightly. There are records to show that A.R.Sridharan was in constant touch, shadowing the progress of enquiry by the Settlement Officer S.Ravi, through Tmt. Sophia Jothi Bai(9443231101). Further after order of Transfer, S.Ravi had passed order antecedently the same and also posting the orders from Avadi Post Office, which is not the normal way of doing things these aspects to be investigated, and a specialized agency like CBCID with a dedicated officer will be appropriate to conduct investigation in this case.

5.The learned Additional Public Prosecutor submits that with regard to this property, several cases are pending against A.R.Sridharan, some are under trial and some are under investigation. The present complaint was forwarded by the first respondent in C.No.1A/2101337, which was received by the second respondent, on 13.01.2022. He further submits that based on the complaint, appropriate action will be taken, if necessary, petition to be filed in the already investigated cases or to register fresh case, the same would be considered and necessary positive action will be taken in this regard. He also submitted that in any event, the petitioner's complaint would be considered, further cases in this regard are pending for decades, hence appropriate steps for speedy action will be taken within a period of three months. He further submits that this period of three months is only an outer limit.

6.Recording the above submissions, this Criminal Original Petition is disposed of with the direction directing the 2nd respondent to conduct enquiry, entrust the case to an appropriate officer within the stipulated time. Tampering of Revenue records is a matter of serious concern. Hence appropriate action to be taken.

Sd/-
Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

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To

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Dr.Radhakrishnan Salai,
Mylapore, Chennai.



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(Crime Branch CID),
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3. The Deputy Superintendent of Police,
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4. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.1830 of 2022

SS(CO)
RVM(10/02/2022)