



Crl.OP.No.20783 of 2022

A.D.JAGADISH CHANDIRA, J.

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120B, 465, 468, 471, 420 and 34 of IPC in Crime No.1 of 2022, seeks anticipatory bail.

2. The case of the prosecution is as under:-

(i) The first accused in the case had promoted housing lay out under the names of VGP Vinoth Town Part-I, II and IVA, the lands located in Vadagal-A, Vadagal-B, Painallur and Vallam-A villages in Sriperumbudur Taluk, Kanchipuram District. The Open Space Reservation lands (OSR lands) in the above layouts to the extent of 7,25,005 sq.ft were gifted by the VGP Housing Development Corporation to the Sriperumpudur Panchayat Union vide Document No.1746/1991 dated 2.5.1991. The very same lands were acquired by the Government of Tamil Nadu under the Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997, in the year 2013 for promotion of Industrial Complex by SIPCOT.

(ii) Whiles, the first accused, being the Managing Director of VGP Housing Development Corporation had cancelled the gift deeds in respect of OSR lands vide cancellation deed in Document No.706 of 2020 dated



18.07.2020 registered at Sub Registrar's Office, Pallipattu and thereafter the petitioner/A1 had sold the vacant lands measuring to an extent of 1,26,950 sq.ft in VGP Vinoth Town-I developed under LP/DTP.No.338/91 in Survey No.159/5B, 67,245sq.ft vacant land in VGP Vinoth Town-II developed under LP/DTP No.1273 of 1991 in Survey No.159/2 and 14,400 sq ft vacant land for the purpose of community hall in VGP Vinoth Town-IV developed under LP/DTPNo.95A and 95B/1999 in Survey No.140/2B vide document No.707/2020 dated 18.07.2020 registered at the Sub-Registrar Office, Pallipattu and later sold to various persons, who have, thereafter, claimed compensation from SIPCOT and thus cheated the Government by illegally receiving compensation for the above lands from SIPCOT and thereby caused loss to the Government Exchequer to the tune of Rs.21 crores. The present petitioner is one among the subsequent purchaser of the land in question, Hence, the case.

3. The crux of the submissions of Mr.N.R.Elango, learned Senior Counsel for the petitioner is as under:-

(i) The petitioner is an innocent purchaser and he did not commit any offence and he had purchased the land only after due cancellation of the gift deed on 18.07.2020 and the award was passed only much later, on



28.07.2022.

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(ii) When compensation was claimed by the petitioner being a subsequent purchaser from the promoter of the land, the District Collector concerned had sought for opinion from the then Additional Advocate General-I of Tamil Nadu, who, in turn, had given an opinion dated 7.8.2020 stating that if the layout/housing scheme did not take off within three years from the date of such permission, the scheme lapses and upon the cancellation of gift deed, the land owners are entitled to deal with those lands in as much as they are original owners having a valid, clear and marketable title.

(iii) Based upon the opinion obtained from the then Additional Advocate General, the Government/Land Acquisition Authority has also paid compensation to the petitioner, who had purchased the property from the promoter after due verification. Later, during the audit, based on the complaint given by the Tahsildhar, the case has been registered.

(iv) The petitioner is not a stranger to the property and he, being the owner of the property, had duly claimed his right.

(v) Pursuant to the gift deed, possession was not taken by the Local Body and absolutely, no developments were made by them.



(vi) The loss alleged to have been caused to the Government, as claimed by the respondent, can only be the notional loss since no excess amount has been paid and the amounts have also been paid to the petitioner only after obtaining due opinion from the then Advocate General and there is no element of cheating, fabrication of documents or impersonation.

(vii) The entire case of the prosecution is borne out by documents and all the documents are also Government documents and there is no chance for the petitioner to interfere with the investigation or tamper with the documents.

(viii) If the Authorities are aggrieved by the payment of compensation, they are entitled to file Civil Suit for recovery of the same. Contending so, the learned Senior Counsel for the petitioner prays for grant anticipatory bail to the petitioner.

4. The respondent has filed a detailed counter.

5. Mr.R.Vinothraja, learned Government Advocate (Crl.Side) would submit that the first accused in the case, being the promoter of the land, in order to cause wrongful loss to the Government, after issuance of the notifications for acquisition of the property in favour of SIPCOT, had entered into bogus transactions and thereby cancelled the gift deeds and



subsequently sold the property to third parties and the present petitioner is one among such subsequent purchasers. He would further submit that though the Registration Act prescribes that the registration has to be done within the particular SROs Office, the accused have done the registration in Pallipattu Office beyond the jurisdiction of Sriperumpudur and thereby they have cheated the Government by making a claim for compensation. He would also submit that though opinion has been obtained from the learned Additional Advocate General during the relevant point of time, the petitioner, a subsequent purchaser is not entitled for compensation whereas by conspiracy and collusion with other officials, he had received the compensation, which he is not legally entitled to and cheated the Government. Hence, he would vehemently oppose to grant anticipatory bail to the petitioner.

6. Heard the submissions made by learned counsel for the parties and perused the materials available on record including the documents filed along with the petition.

7. The case of the prosecution is that the first accused in the case, who is a promoter of a housing scheme, having gifted the OSR property to the Local Body, had later cancelled the gift deeds unilaterally and sold the



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properties illegally to third parties and the present petitioner being one among them, had, by colluding with the officials, wrongfully claimed compensation from the Government and thereby caused huge monetary loss to the Government whereas, it is the case of the petitioner that the layout scheme did not take off and actual possession of the land was not taken by the Local Body and no developmental activity was carried on by the Local Body. It is also the claim of the petitioner that when the gift deed had not been effected to and possession had not been taken, the ownership vests on the donors and the donor had duly cancelled the gift deeds and sold the lands to the subsequent the purchasers, viz., the present petitioner and some others and thereafter, the petitioner had claimed compensation from the Government and the compensation amounts were paid to the claimants after obtaining due opinion from the then Additional Advocate General of Tamil Nadu. It is the further case of the petitioner that the entire case of the prosecution is borne out by documents and all the documents are also Government documents hence, there is no chance for the petitioner to interfere with the investigation or tamper with the documents and thereby anticipatory bail is sought for.

8. Taking into consideration the facts and the submissions made by



the counsel, this Court is inclined to grant anticipatory bail with certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the *learned Judicial Magistrate-I, Kancheepuram* on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall deposit the original title deeds of immovable property either belonging to himself, relatives or friends worth about Rs.1 crore to the credit of Crime No.1 of 2022 before the concerned Magistrate, within a period of two weeks from the date on which the order copy made ready.

[c] the petitioner shall report before the respondent police every day at 10.30 a.m until further orders.



[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

31.10.2022

Vv/ssk



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