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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 27/04/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.OP(MD)No.14120 of 2019

and

Crl.MP(MD)No.8583 of 2019

M.P.Amudha : Petitioner/A1

Vs.

1.State represented by
Inspector of Police,
District Crime Branch, (DCB),
Karur, Karur District.
(Crime No.14 of 2019)

: Respondent/Complainant

2.V.Vasanthan
Revenue Divisional Officer,
Revenue Divisional Office,
Karur,
Karur District.

: Respondent/ De-facto Complainant

Prayer: Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records in Crime No.14 of 2019 on the file of the 1st respondent police and quash the same.

For Petitioner : Mr.Isaac Mohan Lal
Senior Counsel
for Mr.M.R.Jothimanian

For Respondents : Mr.SS.Madhavan
Government Advocate
(Criminal side)

O R D E R

The petition has been filed seeking quashment of the case in Crime No.14 of 2019 on the file of the 1st respondent police.

2.The case of the prosecution in brief:-

The Revenue Divisional Officer, Karur, has lodged a complaint against the petitioner and others with the following allegations:-
The property situated in S.Nos.748,779, 783, 784, 790, 793 and 797 in Thanthondy village was acquired by the Government for the



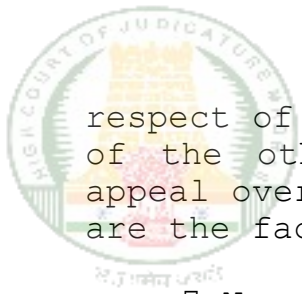
purpose of establishing Master Plan. As per the order of the Government in G.O.Ms.No.452, dated 03/06/1988, the above said property is belonged to the HR & CE Department. On 04/02/2019, the compensation amount of Rs.5,14,36,839/- was sanctioned. But the accused persons have granted patta, by sub-dividing the property in Survey No.793 in favour of one Saravanan and Muruganantham on 17/08/2019. They did not obtain proper permission from the competent authority. So based upon the above said complaint, a case in Crime No.14 of 2019 was registered for the offences punishable under sections 167, 409, 465, 466, 468, 471, 474, 477A r/w 34 IPC.

3. Seeking quashment of the same, the first accused, who was working as Thasildhar, during the relevant point time, has filed this quash petition.

4. Heard both sides.

5. The learned Senior counsel appearing for the petitioner has made elaborate submission with regard to the proceedings, that have been undertaken by the above said Saravanan and Muruganandam in respect of the property situated in Survey No.793 in Thanthoni Village. He would straightway refer the order, that has been passed by this court in W.P(MD)Nos.19889 of 1999, dated 27/07/2009, which was filed by Pon.Elangovan and 28 others, challenging the acquisition proceedings, that has been undertaken by the Government which was with reference to the Survey Nos.801/2, 801/3, 801/6, 809, 810, 811 and 812 at Thanthoni Village, Karur and the G.O.Ms. No.452, Revenue (RAI) Department, dated 03/06/1998 has been quashed by this court. According to the learned Senior counsel, against the above said writ petition order, the State has filed WA.SR No.110367 of 2011 along with MP No.1 of 2013 for condoning the delay of 794 days in preferring the writ petition. That was also dismissed by the Division Bench of Court, by order, dated 17/02/2011. Later another writ petition was filed in respect of the property now under dispute namely survey No.793 by the above said Muruganandam and Saravanan in WP(MD)Nos.1219 and 1220 of 2012. Challenging the very same Government Order and the acquisition proceedings in respect of survey No.793 Part. Noting that the above said Government Order was quashed by this court in the above said writ petition, the writ petitions filed by the above said Muruganandam and Saravanan were also allowed. So from these two proceedings, it appears that the concerned land acquisition proceedings have been quashed by this court. Even though, it is submitted that SLP preferred, no document is available.

6. Later in the year 2019, Sri Kalyana Venkatarama Swamy Temple filed a suit in O.S No.14 of 2019 by impleading the above said Muruganandam and Saravanan to declare that the property situated in Survey No.793/1, the total extent is 6.77 acres belongs to the Temple. That suit was for declaration and recovery of possession. On 29/03/2019, that suit was partly decreed in



respect of 1.88-1/2 Acres in respect of survey No.793 and in respect of the other extent, that was dismissed. Whether there was any appeal over the above said judgment is not clear on record. So these are the factual backgrounds.

7.Now the allegation against this petitioner is that she issued sub-division patta orders, ignoring the fact that the Government has approved the District Master Plan without getting proper permission from the authorities concerned.

8.The learned Government Advocate (Criminal side) would submit that this is a mistake committed by the petitioner. But in the light of the above said Judicial proceedings, it is seen that the sub division patta that was granted to the petitioner is not tainted with any criminality. If at all the petitioner has violated any departmental circulars or orders, the competent authority can take departmental action against the petitioner.

9.The learned Government Advocate (Criminal side) would further submit that actually departmental action was initiated against the petitioner and she was placed under suspension. Further proceedings is not known and there is no evidence on record also.

10.Sub division patta was passed by one A.R.Moorthy, by order, dated 19/09/2011. He has also referred the writ orders passed in W.P Nos.4634 and 4635 of 2011 etc., and the legal opinion has also obtained from the competent authority advising the Government. But further particulars with regard to the above said writ petitions is not available. It appears that the property originally was classified as Inam'. During the settlement proceedings, patta was granted in favour of the the above said Arulmigu Kalyana Venkateswara Swamy temple. That was challenged in CMA No.176 of 1969.

11.But later, this petitioner appears to have issued, sub-division patta, on 24/06/2019. It was signed, on 13/08/2019. But in the top portion, the date of the order is wrongly mentioned as 24/06/2019. It was submitted by the learned Senior counsel appearing for the petitioner that the petitioner did not work, on 01/09/2019. As mentioned earlier, she signed, on 13/08/2019. Apparently the order would have been prepared on 24/06/2019.

12.Now whatever it may be position, it appears that various proceedings shows that no illegality has been committed by the petitioner, while signing the order. As mentioned earlier, if at all departmental action can only be pursued against the petitioner. So, I find that no criminality can be attached to the order passed by this petitioner.

13.In the result, this criminal original petition is **allowed**.

<https://hcservices.courts.gov.in/hcservices/> The impugned Crl.OP in Crime No.14 of 2019 on the file of the 1st



respondent is hereby quashed as against this petitioner.
Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

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Sub Assistant Registrar(CS)

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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,
District Crime Branch, (DCB),
Karur, Karur District.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Karur,
Karur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M. KARUPPASAMY, Advocate (SR-21995[F] dated 28/04/2022)

**Crl.OP(MD)No.14120 of 2019
27.04.2022**

RD(22.06.2022) 4P 5C