



W.P.No.3622 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

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The Royal Land and Nest Cooperative
Housing Society Ltd.,
Rep. by its Managing Director,
V.Vignesshwar .. Petitioner

Versus

1. The Home Secretary & Addl. Chief Secretary,
Home, Prohibition & Excise,
Fort St. George,
Chennai - 600 009.
2. The Superintendent of Police, (Rural),
O/o. Superintendent of Police,
State Bank Road, Coimbatore - 641 018.
3. The Deputy Superintendent of Police,
District Crime Branch,
Coimbatore District.
4. The Inspector General of Registration,
Santhome High Road,
Mylapore, Chennai - 600 004.
5. The Deputy Inspector General of Registration,
No.6/1, GRD Road, Kamarajar Road,
Red Fields, Coimbatore - 641 045.



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6. The District Registrar,
Coimbatore District,
Collectrate Campus,
Coimbatore.

7. The Sub Registrar,
Kinathukkadavu Sub Register Office,
Kinathakkadavu, Coimbatore District.

8. J.Rajasekar

9. K.Srinivasan

10. M.Karthikeyan

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to consider the petitioner's complaints dated 14.09.2020 and 19.08.2021 to the Register the F.I.R against the respondents 8, 9 and 10 herein in reference to the file of 3rd respondent vide File in C.No.39 & 40/Zonal/DSP/DCB/CBE/2020 dated 25.11.2020 and 19.08.2021 and further by implementing the recommendation given by the 5th respondent under enquiry report in RC.No.2904/m1/2018 dated 30.08.2018 under Section 83 of Registration Act by initiating criminal section against the respondents 8, 9 and 10 herein and further investigate the same and proceed in accordance with law within a specified time frame that may be ordered by this Court.

For Petitioner : Mr.S.L.Sudarsanam

For Respondents : Mr.A.Gopinath
Government Advocate (Crl. Side),
for RR-1 to 7

: Mr.C.K.M.Appaji, for R8

ORDER



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This Writ Petition has been filed for issue of Writ of Mandamus directing the respondent Police to act upon the complaint given by the petitioner and to register an F.I.R against the respondents 8 to 10.

2. When the matter was taken up for hearing, a status report was filed by the third respondent. For proper appreciation, the relevant portions in the status report are extracted hereunder:-

" 3. It is submitted that the averments contained in the affidavit filed by the petitioner in paras "a" to "c" are true and it is also true that the petition preferred by the petitioner was received in C.No.39 and 40/zonal/DSP/DCB/CBE 2020 dated 25.11.2020 and 19.8.2021, was closed on 1.10.2021 as civil in nature as several Civil cases are pending in connection with the same issue.

4. It is submitted that meanwhile one Mr.Nanjudasamy, a previous landowner, who had sold the property to the petitioner has filed a petition dt.14.9.2020 before District Crime Branch, Coimbatore, to initiate action against the 8th Respondent and the said petition was transferred to ALGSC, Coimbatore for enquiry and further the previous Land owners has filed a petition in CRL.O.P.No.617 of 2022 stating that the District Crime Branch failed to register a case based on the complaint of the petitioner (Nanudasamy)dt. 14.9.2020. This Hon'ble court by order dated 12.1.2022 directed the respondent police to conduct the enquiry afresh and as well as to consider the proceedings of the District



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Registrar, Registration Department, Coimbatore in Na.Ka.No.4984/M1/2021 dated 24.12.2021. Based upon the above said order dt.12.1.2022, Mr.Nanjundasamy, the Petitioner in Crl.O.P.617 of 2012, has preferred a Petition before the District Crime Branch on 11.3.2022 and inspire of repeated summons the said Nanjudasamy did not appeared for enquiry and subsequently the Petition was transferred to Anti Land Grabbing Cell, Coimbatore, they also closed.

5. It is submitted that the 8th respondent has filed a writ petition before this honourable court in W.P.No.15921/2021 and in the above said writ petition this Hon'ble court was pleased to pass an order dated 3.8.2021 has directed the District Registrar, Registration Department, Coimbatore to examine the representation given by the 8th respondent dated 12.7.2021, issue a notice to the petitioner and to any one of the rival parties including the contesting respondent's, who are questioning the right, title and interest of the petitioner over the property examine all the concerned, examined the records and pastor considered order on the basis of the said representation and this Hon'ble court has also directed to complete the enquiry within 12 weeks from the date of receipt of the order. The District Registrar in obedience to the above said order conducted an enquiry and filed a report. The 8th respondent filed Writ petition in WP NO 21530 of 2021 to quash the order passed by The Inspector General of Registration in C.No.24289/C1/2018 dated 04.08.2021 and the Writ Petition was dismissed on 19.04.2022 in meanwhile the 8th Respondent has preferred a writ appeal in W.A.SR.No.76754 of 2022 and the said Writ appeal is still pending before this Hon'ble Court.



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6. It is submitted that in connection with the above said petition Mr.Nanjudasamy, the Petitioner in Crl.O.P.617 of 2012, also filed a contempt petition before this Hon'ble court stating that the police has not initiated any action upon the petition. After hearing the explanation of the District Crime branch the Hon'ble High Court has closed the Contempt petition directing the Petitioner to seek remedy in the W.A.SR.No.76754/2022 dt 20.7.2022 and also by stating the an appeal upon the order passed by the District Registrar, Coimbatore in Na.Ka.No.4984/M1/2021 dated 24.12.2021 is also pending before DIG, Registration, Coimbatore.

7. It is submitted that now it is very clear that the writ appeal is pending before this Hon'ble court with the regard to the said issue and the appeal filed by the petitioner was also pending before the DIG, Registration, Coimbatore and hence at this stage a criminal complaint cannot be initiated by the District crime branch, Coimbatore and as per the order of this Hon'ble Court in Contempt Petition No.1919/2022 dt.18.11.2022.

8. It is submitted that now the DIG, Registration Department has concluded the enquiry and has passed an order dt. 11.1.2023 in Na.Ka.No.1155/E2/2022, the appeal filed by the 8th Respondent was dismissed and the Order passed by the District Registrar, Coimbatore in Na.Ka.No.4984/M1/2021 dated 24.12.2021 to initiate Criminal Action against the 8th Respondent and Others was confirmed.

9. It is submitted that the initiation of any Criminal Action will be subject to the outcome in W.A.SR.No.76754/2022.



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10. It is submitted that the Petitions filed by the Petitioner and by the 8th Respondent which was forwarded to the Anti Land Grabbing Cell, Coimbatore was closed as the issue is Pending before this Hon'ble Court in W.A.Sr.No.76754/2022 and also in District Munsiff Court Pollachi in OS NO 93/2020."

3. Heard Mr.S.L.Sudarsanam, learned Counsel for the petitioner, Mr.A.Gopinath, learned Government Advocate (Crl. Side) for the respondents 1 to 7 and Mr.C.K.M.Appaji, learned Counsel for the eighth respondent.

4. It is seen from records that there were several proceedings between the parties and ultimately, the D.I.G of Registration, who dealt with the appeal filed by the eighth respondent came to a conclusion through proceedings, dated 11.01.2023 that the parties will have to agitate their dispute only before the competent Civil Court. In view of the same, for the present, there is absolutely no scope for the Police to interfere with the dispute. The parties shall agitate their grievance only before the competent Civil Court and work out their remedy.

5. This Writ Petition is disposed off accordingly. No costs.



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Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Home Secretary & Addl. Chief Secretary,
Home, Prohibition & Excise,
Fort St. George,
Chennai - 600 009.
2. The Superintendent of Police, (Rural),
O/o. Superintendent of Police,
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3. The Deputy Superintendent of Police,
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7. The Sub Registrar,
Kinathukkadavu Sub Register Office,
Kinathakkadavu, Coimbatore District.



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8. The Public Prosecutor,
High Court of Madras.



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N.ANAND VENKATESH, J.

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