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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Contempt Petition No.942 of 2023

1.N.Kandasamy

2.N.Mohan

... Petitioners

Vs.

1.Dr.A.Amalraj, I.P.S.,
The Commissioner of Police,
Tambaram Commissionerate,
Sholinganallur, Chennai – 600 119.

2.Mr.Shivakumar,
The Inspector of Police,
Anti Land Grabbing Special Cell,
Central Crime Branch,
Tambaram Commissionerate,
Sholinganallur, Chennai – 600 119.

... Respondents

PRAYER : Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971, to issue notice and punish the respondents for disobedience and not complying with the order dated 20.04.2022 made in CrI.OP.No.8740 of



For Petitioners : Mr.K.Mahalingam

For Respondents : Mr.S.Balaji
Government Advocate (Crl.Side)

ORDER

This Contempt Petition has been filed seeking to punish the respondents for disobedience and non complying with the order dated 20.04.2022 made in Crl.OP.No.8740 of 2022.

2. It is the grievance of the petitioner that the proposed main accused, who is an Advocate by profession, along with other accused, had fabricated the documents and attempted to grab the petitioners' land. The petitioners had given a complaint to various Authorities and, on 05.03.2022, they have given a complaint to the first respondent whereas, no action has been taken so far.

3. It is the further case of the petitioners that the proposed accused,



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misusing their position, had scuttled the investigation at every stage and thereby, the petitioners had been made to run from pillar to post and since no action has been taken, the petitioners had filed a petition in Crl.OP.No.8740 of 2022 seeking to direct the respondents police to register the petitioners' complaint dated 05.03.2022 and take action against the accused.

4. It is the further case of the petitioners that this Court on 20.04.2022 has passed the following order in Crl.OP.No.8740 of 2022.

7. *“In such circumstances, this Court is of the opinion that in the interest of justice, it would be appropriate to issue a direction to the first respondent to call for the records in respect of the complaint of the petitioners dated 05.03.2022, which is pending on the file of the third respondent and hand it over to an officer in the rank of Inspector of Police, CCB Tambaram (dealing with land grabbing matters), who shall summon the petitioners and record their statements and proceed in accordance with law. The petitioners shall also be permitted to assisted by their Advocate, who shall appraise the officer about the complaint. In the event of the case being made out, the Inspector of Police, CCB*



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land grabbing cell shall register the case and continue with the investigation”.

5. Since the respondents have not taken any action subsequent to the order passed by this Court, the petitioner has filed this Contempt Petition seeking to punish the respondents for the disobedience and non compliance of the order.

6. Mr.K.Mahalingam, learned counsel appearing for the petitioners would submit that despite the order passed by this Court on 20.04.2022, directing the first respondent to call for the records regarding the complaint of the petitioners dated 05.03.2022, which is pending on the file of the third respondent and hand it over to an Officer in the rank of Inspector of Police, CCB Tambaram (dealing with land grabbing matters) with a further direction to summon the petitioners and record their statements and proceed in accordance with the law, the respondents have not taken any action and thereby, warranting the petitioners to file the contempt petition.



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7. Compliance Report has been filed by the respondents, wherein it has been stated as follows:

“1.I respectfully submit that I am presently working as Assistant Commissioner of Police, Central Crime Branch, Tambaram City Police and as such I am well acquainted with the facts and circumstances of this case, and thus I am filing this Compliance Report before this Honourable Court.

2. I respectfully submit that at the outset, I tender my Unconditional apology before this Hon'ble Court for any wrong doing on the part of the Respondent. I respectfully submit that there is neither willful nor deliberate intention to disobey the order of this Hon'ble Court. However, if the court comes to the conclusion that contempt has been committed by me, I once again tender my unconditional apology before this Hon'ble Court.

3. I respectfully submit, on 05.03.2022 the petitioners/ Defacto Complainant lodged a complaint before the Commissioner of Police. Tambaram City Police in which stated that they had purchased land in Survey



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No.219/1, 219/2, 219/4, 219/5, 219/6 and 217/3 in Padur Village extent of 1.57 acres Land from Tmt.Maharunisha W/o.Hayath Basha and his son Tr.Sathi Basha of Padur Village vide Sale Deed Document No.2609/1986 dated 25.11.1986 registered at Sub Register Office, Thiruporur in their names. They had obtained patta in their name on 04.02.1999. They alleged that the counter petitioners Tr.Mohan Ranganathan and Tmt.Anitha, W/o.Tr.Mohan Ranganathan registered a forged general power of attorney vide document No.6808/2009, dated 06.03.2009 on the petitioners land 1.57 acres registered at Sub Register Office, Thiruporur which was executed by one Tr.C.A.Kabeer who was defeated in civil suits. Thereafter the counter petitioners influence on Revenue Officials cancelled the names of the petitioners in patta and obtained in the name of counter petitioners Tr.C.A.Kabeer and Tmt.Anitha.

Further, on 25.11.2011 Tmt.Anitha executed mortgage deed in favour of Tr.G.Saravanan vide document No.12002/2011. The legal heirs of C.A.Kabeer registered a release deed vide document no.11981/2012 on 04.12.2012 and then a power of attorney has been registered in the name of Anitha vide document no.5711/2013 by the legal heir of C.A.Kabeer. The counter petitioners hiding the cases pending in the court and



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obtained patta in their name illegally. The legal heirs of C.A.Malik has executed general power of attorney in favour of one Chandrasekaran vide document no.6828/2016 dated 10.07.2015 and created encumbrance of the petitioners land.

4. I respectfully submit that through proper channel the Tr.P.K.Shiva Kumar, Inspector of Police, CCB, Tambaram received the petition vide C.No.159/DC/CCB/TBM/T/2022, dated 05.03.2022. After received the petition, he took up the petition for preliminary enquiry and collected the documents related to the case.

5. I respectfully submit that in the mean time, the petitioners filed a direction petition before the Hon'ble High Court, Madras in Crl.OP.No.8740 of 2022, seeking to register the petitioner's complaint dated 05.03.2022 against the Land Grabbing accused R.Mohan Ranganathan, his wife K.Anitha, their benami S.Chandrasekaran and their associates viz., the legal heirs of C.A.Malick, C.A.Kabeer and C.Hussain Basha, Mehrunnisa, her son Hassain and he Revenue and Police Officials who have helped the land grabbers since 2011. When the matter was came up for hearing on 20.04.2022, this Hon'ble Court passed an following order:-

“4. In such circumstances, this Court is of the



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opinion that in the interest of justice, it would be appropriate to issue a direction to the first respondent to call for the records in respect of the complaint for the petitioners dated 05.03.2022, which is pending on the file of the third respondent and hand it over to an officer in the rank of Inspector of Police, CCB, Tambaram (dealing with land grabbing matters), who shall summon the petitioners and record their statements and proceed in accordance with law. The petitioners shall also be permitted to be assisted by their Advocate, who shall apprise the officer about the complaint. In the event of the case being made out, the Inspector of Police, CCB Land Grabbing Cell shall register the case and continue with the investigation”.

8. I respectfully submit after obtain the order from this Hon'ble High Court in Crl.OP.No.8740 of 2022 dated 20.04.2022, Tr.P.K.Shiva Kumar, Inspector of Police, CCB, Tambaram took up the petition for further enquiry and examined the witnesses and recorded their statements. After conduct the enquiry, on 21.03.2023 the Inspector of Police closed this petition, because there is prima facie is made out in the petition and also sent a enquiry report to the petitioners on 22.03.2023 through register post.

9. I respectfully submit that in the mean time on 23.03.2023, the petitioners filed this Contempt Petition to punish the respondents for disobedience and not



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complying with the order dated 20.04.2022 made in CrI.OP.No.8740 of 2022.

10. I respectfully submit that the Deputy Commissioner of Police, CCB, Tambaram City Police, vide RC.No.59/DC-CCB-TBM/GENL/2023, dated 06.07.2023 nominated me as the Enquiry Officer in this case.

11. I respectfully submit that as per the proceedings of the Deputy Commissioner of Police, CCB, Tambaram City Police, on the same day (i.e) 06.07.2023 I took up the petition for further enquiry and issued summons to the petitioner to appear before me for enquiry. Then on various dates (i.e) 11.07.2023, 15.07.2023 and 08.08.2023 the petitioners appeared before me for enquiry, during the enquiry I recorded their statements.

12. I respectfully submit that during the course of enquiry, I have examined the witnesses and recorded their statements and collected the documents from the Sub Register Office, Thiruporur and Revenue Office, Thiruporur and the same was examined.

13. I respectfully submit that based on the witnesses statements, I have registered a case in Cr.No.22 of 2023, under Section 465, 406, 420 IPC on 23.09.2023 at about 17.30 hours, Central Crime Branch, Tambaram City Police and I took up the case for investigation.

14. I respectfully submit that now the case is



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under investigation for the following reasons:

- (i) To examine some more witnesses
- (ii) Yet to collect the documents related to this case from various authorities and the same has to be verified.

As soon as, I complete the above aspects and complete the investigation and file a charge sheet before the competent court in accordance with law.

12. I further respectfully submit I once again tender my unconditional apology for any wrong doing on the part of the Respondent. I respectfully submit that I am having highest regards for the Hon'ble Court and its directions. I am always obeying and complying the directions of the Hon'ble Court.

6. Learned Government Advocate (Crl.Side) appearing for the respondents would submit that originally the case was enquired by Mr.Shivakumar, Inspector of Police, Central Crime Branch, Tambaram and later, by the orders of the Deputy Commissioner of Police, CCB, Tambaram City Police, vide RC.No.59/DC-CCB-TBM/GENL/2023 dated 06.07.2023, the Assistant Commissioner of Police was nominated as the Enquiry Officer. Mr.R.Sundaram was nominated as the Enquiry Officer in this case and he



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took up the petition for further enquiry. He further submits that on 06.07.2023, the Enquiry Officer enquired the petitioner and again on various dates i.e, on 11.07.2023, 15.07.2023 and 08.08.2023. He would further submit that the Assistant Commissioner also examined the other witnesses, recorded their statements and collected documents from the Sub Register Office, Thiruporur and Revenue Office, Thiruporur and after examining the same, found that a prima facie case is made out and registered a case in Cr.No.22 of 2023 against the accused for the offence under Sections 465, 406, 420 IPC on 23.09.2023 and he is continuing with the investigation. He would further submit that some witnesses have been examined and some documents have also been collected from various authorities and the delay is neither willful nor wanton and the respondents apologize for any inconvenience caused on their part and they would continue to obey the orders passed orders by this Court.

7. The learned Government Advocate (Crl.Side) appearing for the respondents would submit that the delay in registering the FIR is on account of collecting various documents and requested that the delay may be condoned and the respondents may be pardoned for the delayed compliance



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and they may be purged of contempt.

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8. Heard the learned counsel appearing on both sides and perused the materials available on record.

9. The Compliance Report filed by Mr.R.Sundaram, Assistant Commissioner of Police, Tambaram City Police has been taken on record. The presence of the Mr.Shivakumar, Inspector of Police is recorded.



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10. Taking into consideration the fact that the order of this court has been complied with, and that the reason stated by the respondents for delayed compliance is accepted and the respondents are absolved of the charges and hence the contempt petition stands closed. However, the respondents are directed to complete the investigation as expeditiously as possible.

25.09.2023

drl

To

1.Dr.A.Amalraj, I.P.S.,
The Commissioner of Police,
Tambaram Commissionerate,
Sholinganallur, Chennai – 600 119.

2.Mr.Shivakumar,
The Inspector of Police,
Anti Land Grabbing Special Cell,
Central Crime Branch,
Tambaram Commissionerate,
Sholinganallur, Chennai – 600 119.

3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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