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W.P.No.29045 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.29045 of 2023

G.Kumaresan

...Petitioner

-Vs-

1.The Director,
The Directorate of Vigilance and Anti-Corruption,
No.293, MKN Road,
Alandur,
Chennai – 600 016.

2.The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
No.92/2D, Kaliyappa Mudaliyar Street,
Opposite to Sacred Heart College,
Thirupattur – 635 601.

3.The Superintendent of Police,
Southern Range,
I/C North Range,
DVAC, Chennai – 16.

4.M.Sivaprakasam

... 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 complete the enquiry against the 4th respondent in Petition No.9716/2023/REV/TRP, dated 30.08.2023.



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For Petitioner : Mr.M.P.Rajavelayutham
For Respondents : Mr.C.E.Pratap
Government Advocate (Crl. Side)

ORDER

This Writ Petition has been filed for direction directing the respondents 1 to 3 to complete the enquiry against the 4th respondent in Petition No.9716/2023/REV/TRP, dated 30.08.2023.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondents and perused the materials available on record.

3. The case of the petitioner is that he had purchased a land comprised in S.Nos.212/3, 213/3B and 241/4, Athanavur Village, Yelagiri Panchayat, Tirupattur Taluk, Tirupattur district to an extent of 2.05 acres from Naajneen Riyas Ahamed by the registered sale deed vide Document No.2877 of 2015. After purchase of the said land, the petitioner had transferred all the revenue records relating to the said land in his name and he had also obtained patta in Patta No.759 for the subject



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land. While being so, the third parties trespassed into his property and started destroying the crops and caused damage to the fence put up by the petitioner. Therefore, the petitioner lodged a complaint and the same has been registered in Crime No.94 of 2021 with the concerned jurisdictional police. The third parties approached the fourth respondent and submitted an application on 27.07.2022 to include their names in the separate patta issued in favour of the petitioner in respect of the land purchased in S.No.212/3.

4. On receipt of the same, the fourth respondent herein called the petitioner to settle the issue with the third parties or to pay a sum of Rs.20,00,000/- as bribe. Therefore, the petitioner lodged a complaint. In fact, a third party also lodged a complaint as against the petitioner on 04.06.2023 before the Inspector of Police, Yelagiri Police Station alleging that the petitioner had disturbed his peaceful possession and enjoyment of the property comprised in S.No.212/3. On the application submitted by the third party, the fourth respondent after receipt of huge bribe, issued patta jointly by including their names in the patta, namely Govindaraj and his family members in Patta No.759. Therefore, the



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petitioner preferred an appeal as against the said join patta issued by the fourth respondent before the Revenue Divisional Officer, Tirupattur and it is pending. However, it was not heard and as such, the petitioner was constrained to approach this Court in W.P.No.23572 of 2023. This Court by an order dated 09.08.2023 directed the Revenue Divisional Officer, Tirupattur to dispose of the appeal within the stipulated time. Therefore, the petitioner submitted a representation dated 12.08.2023 with the above said allegations against the fourth respondent. The said representation was forwarded to the District Collector, Tirupattur for taking appropriate action. However, so far, no enquiry has been conducted and no action has been taken against the fourth respondent.

5. The learned Government Advocate (Crl. Side) for the respondents 1 to 3 submitted that the third respondent forwarded the complaint dated 12.08.2023 to the District Collector, Tirupattur by its communication dated 30.08.2023.

6. Considering the above facts and circumstances of the case, the District Collector, Tirupattur is directed to issue notice to the petitioner



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as well as the fourth respondent herein and conduct enquiry after giving an opportunity of hearing to them and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition is disposed of.

There shall be no order as to costs.

10.10.2023

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order
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To

1. The District Collector, Tirupattur.

2. The Director,
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