



Crl.O.P.Nos.25965 & 26390 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners / A1 and A9, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 419, 465, 468, 471 r/w Section 120B of IPC in Crime No.9 of 2023, seek anticipatory bail.

2.Crl.O.P.No.25965 of 2023 had been filed by A1 and Crl.O.P.No.26390 of 2023 had been filed by A9.

3.It is the case of the prosecution that the defacto complainant had stated that originally his father was working as a labourer under the petitioner / A1 in Crl.O.P.No.25965 of 2023, who was possessed of substantial and vast areas of land. It is stated that those lands attracted the provisions of Urban Land Ceiling Act, and consequently by the authority of law, there was division of lands into two acres each and they were each allotted to various labourers. Revenue Patta was also granted to the allottees with condition that they should not alienate the lands for a period of 20 years and thereafter their title would be regularized. This



was around the year 2000. The lands had been enjoyed by those to whom they had been so allotted.

4. Thereafter, around the years 2020 – 2021, the 20 years period had expired, which enabled the allottees to obtain what could be called an Ayan patta, which recognised their continuous possession, but also recognised satisfying of all conditions under which originally patta was granted and therefore, granting them the right to deal with the lands in any manner whatsoever.

5. It is stated that the 1st accused, with intention to get back the lands had called upon ten of the allottees to execute sale deeds in her favour by re-conveying the lands to herself. Accordingly, ten sale deeds had been executed. The consideration for each one of the sale deeds was around Rs.20/- Lakhs. This would imply that nearly about Rs.2/- Crores had been transferred as consideration to those who had the executed sale deeds.



6. But however, the defacto complainant claimed that his father, who was one of the original allottees had died in the year 2011 and therefore, could not have applied for Ayan patta and that he, (the defacto complainant) and his mother and sister alone had applied for grant of Ayan patta for the lands which had been allotted to his father. It is also the specific case of the defacto complainant that among the ten sale deeds, four had been executed by impersonators and not by the allottees. It had therefore been stated that consideration could never have flowed back to the actual allottees, even though it was so reflected in the sale deeds. It is under these circumstances that the complaint came to be lodged before the respondent.

7. The learned Senior Counsel for the petitioner in Crl.O.P.No.25965 / A1 stated that the petitioner, was possessed of large acres of land, which had fallen foul of the Urban Land Ceiling Act, which necessitated division of the lands and allotment of lands in parcels of two acres each to the labourers who worked under the petitioner herein / A1. Originally, pattas were also granted recognizing possession alone for the allottees. There was a condition that they should not alienate the lands for



a period of twenty years. It is contended by the learned Senior Counsel that after the period of twenty years, since the lands could not be properly used or put to profitable agriculture use, the allottees themselves came forward to the petitioner / A1 and offered to convey their lands to the petitioner/A1 instead of conveying it to any third party. It is also contended that the petitioner / A1 had offered them to pay the market rate as consideration for execution of sale deeds.

8.It is also stated that, accordingly, ten sale deeds had been executed by ten separate allottees in favour of the petitioner / A1. Later it came to the knowledge of the petitioner / A1 that four of those sale deeds had been executed by various impersonators and not by the allottees. It is further contended that immediately on such knowledge being obtained, the petitioner / A1 had executed release deeds releasing the lands so conveyed, back to each one of the four vendors.

9.The learned Senior Counsel also stated that the Inspector General of Registration had conducted an independent enquiry into the entire issue and had also passed orders cancelling the four sale deeds



executed by the impersonators. It is contended that the petitioner / A1 had bonafide believed that the sale deeds had actually been executed by those who had come over to the Sub-Registrar office and executed sale deeds and on realization, the petitioner / A1 had put good efforts to re-convey the lands back to those who had suffered owing to impersonators taking advantage and executing sale deeds on their behalf.

10. One more aspect pointed out by the learned Senior Counsel is that, there was an advocate from Udumalpet who had come over to the petitioner / A1 and threatened that she should pay some money, since the sale deeds were fraudulently executed and to avoid any legal issues arising out of such fraudulently executed sale deeds. In this connection, it is stated that complaints had also been lodged before the jurisdictional police. It is stated that ten months later, the present complaint came to be lodged and the First Information Report came to be registered. The learned Senior Counsel also stated that the petitioner / A1 having re-conveyed the lands, would also not interfere with actual possession of those to whom the lands had been re-conveyed. It is therefore contended that since bonafide had been exhibited by the petitioner / A1, anticipatory bail should be granted to her.



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11.The learned Government Advocate (Criminal Side) for the respondent contended that it was this petitioner / A1, who had brought in the impersonators. It was on the instructions of A1 that the four sale deeds had been executed. It was pointed out that this petitioner has been arrayed as A1 and A2 to A7 are the various impersonators in the four sale deeds and A8 and A9 were the witnesses to the sale deeds and A10 was the person, who created the documents and A11 was the Sub-Registrar who registered the documents and A12 was the Revenue Divisional Officer, who facilitated such fraudulent sale deeds to be executed. It is also stated that since none of the accused had been secured, investigation has not yet started. It is specifically contended that the presence of the accused are required to identify A2 to A7, as there is no indication at all regarding their identity. It is therefore contended that the anticipatory bail petition should be dismissed.

12.The learned counsel for the intervener contended that the Adhaar cards which were produced at the time of registration were all false and forged and certificates had been obtained from the authorities as



to the actual persons in whose those Adhaar cards actually stored. It was stated that the actual holder of the Adhaar card of the defacto complainant, Prakash was one Karthikeyan. It was also contended that similarly the names of every other individual who had been shown as executants of the various sale deeds were different and the petitioners herein had gone to the extent of producing not only forged Adhaar cards but also produced every other document required for execution of the sale deeds. One such further document is the Ayan patta, which had been produced as having been granted to the father of the 1st petitioner on a supposed application given by the father of the defacto complainant, when actually the father had died nearly about ten years back. The learned counsel also pointed out the actual application filed by the defacto complainant and his mother and sister seeking grant of Ayan patta.

13.It is further contended by the learned counsel for the intervener that though the Inspector General of Registration had passed an order cancelling the documents, the petitioner / A1 had questioned it by filing a writ petition and that writ petition also suffered an order of dismissal. It is therefore contended that the petitioner lacks bonafide and



it is also stated that when the defacto complainant was attempting to fence the land, the husband of the petitioner / A1 and others had raised a protest and in this connection also a complaint had been given, in which a CSR had been registered. It is therefore contended that to unravel the entire issue, the anticipatory bail petition will have to be dismissed.

14.I have carefully considered the arguments advanced and examined the documents.

15.It is a fact that the 1st petitioner herein was possessed of lands about two decades back which lands exceeded the land ceiling limit. At that time the lands were subdivided and allotted to various labourers, who were working under the petitioner / A1 at that time. The names of the allottees and that they were labourers under the petitioner / A1 is not in dispute or denied. Therefore, it only flows that the petitioner / A1 would be aware of each one of the allottees or at least aware of the status of their family.



16.The defacto complainant's father had died in the year 2011.

In the year 2021, he had surfaced and had given an application seeking Ayan patta for the land, which had been allotted to him. The Ayan patta was also granted on such application. Both the applications given by the dead person and the Ayan patta, which had been granted to a dead person are both forged documents. They are not worth the paper in which either the application had been given or the patta had been granted.

17.On the other hand, on record before this Court, is the actual application given by the defacto complainant, his mother and sister seeking Ayan patta. On the records of this Court, are also Adhaar cards which had been produced to identify the impersonators and also comparative Adhaar cards which gives the actual names for those Adhaar cards by comparing it with the numbers. Each and every one of the adhaar cards produced during the time of registration is a false Adhaar card. The only person, who is interested in re-conveyance of the lands from the labourers is the petitioner / A1. It is a different issue that the petitioner is possessed of finance to buy back the lands. But had that been the intention, consideration should have flowed to the actual



allottees and not to impersonators, who masqueraded themselves as allottees before the Sub-Registrar. Therefore, there is no possibility of the consideration flowing back to the actual allottees, who had been granted Ayan patta subsequently.

18. In view of that fact, quite apart from the fact that the sale deeds had been executed by persons whose identities are not known, no consideration had also flowed under the sale deeds. The Inspector General of Registration had therefore entered into the picture and had correctly, on the complaint given by the defacto complainant cancelled all those documents.

19. One factor, which has been stated by the learned Senior Counsel is that the petitioner / A1 had executed release deeds relinquishing right, title and interest over the lands. But such a document can be executed only by somebody who has an existing right, title and interest over the lands. The petitioner / A1 cannot claim any right or any title or any interest from bogus documents. Therefore, execution of release deeds would not come to the advantage of the petitioner / A1.

20. Additionally, the release deed insofar as the lands allotted to



the family of the defacto complainant reflects that right had been released in favour of the father of the defacto complainant, who was a dead person. It is not known, as to how a dead person could now enjoy that particular property on the basis of the release deed, which had been executed in his favour after his death.

21.The entire manipulation of documents reflects deep intent in taking back the lands, which had been allotted to the labourers under the petitioner / A1 at one point of time. They had been in possession. They had been lawfully granted patta. They had been lawfully recognized be in possession. They had a lawful right to get Ayan patta to deal with the property in any manner whatsoever. Producing impersonators in their names and re-conveying the lands back to the petitioner / A1 shows criminal intent to grab the lands.

22.Crl.O.P.No.26390 of 2023 had been filed by A9, who is one of the witnesses to all these documents. The learned counsel for the petitioner stated that he is working in a DTP centre and therefore, he is not aware of any of the transactions and had only signed as witness. But



subsequently, he had also appeared before the Inspector General of Registration and had given a statement that it is the petitioner / A1 in CrI.O.P.No.25965 of 2023, who had produced a bunch of Adhaar cards and who had produced a format of sale deeds and who had called upon the typist to type the sale deeds and present them for registration.

23. Even though the complicity of A9 is very evident, he has chosen not to appear before the respondent, who are the Investigating Agency. Therefore, it is clear that he intends to protect only his own interest. No doubt, his admission before the Inspector General of Registration would be helpful to the prosecution at a later point of time. But at this stage, investigation will have to be further done to identity A2 to A7 and to secure A11 and A12. I am not able to understand the duty consciousness of the Investigating Officer, who had failed to take into custody A11 and A12 who are Sub-Registrar and Revenue Divisional Officer and who are also said to be partners in the entire scheme of criminal conspiracy.

24. In view of the seriousness of the issue concerned,



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particularly since it not only just involves lands, but also impersonation of persons, and identity of impersonators will have to be determined and the source from where the Adhaar cards were obtained will have to be determined and the manner in which the fraudulent and fake pattas were obtained and the persons who had issued those fraudulent pattas will have to be determined, I am not inclined to grant anticipatory bail to the petitioners.

25.Observing as above, these Criminal Original Petitions stand dismissed.

14.12.2023

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C.V.KARTHIKEYAN, J.



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