



Crl.O.P(MD).No.6959 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE P. DHANABAL

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K. Chinnasamy

...Petitioner

Vs

1. The Superintendent of Police
O/o. Superintendent of Police,
Theni District, Theni
2. The Deputy Superintendent of Police
Uthamapalayam Sub Division,
Theni District
3. The Inspector of Police
Rayappanpatti Police Station,
Theni District
4. The Tahsildhar
Rayappanpatti,
Uthamapalayam Taluk
Theni District
5. The Revenue Divisional Officer
Rayappanpatti,
Uthamapalayam Taluk
Theni District
(R4 and R5 *suo motu* impleaded as per the
order of this Court dated 12.08.2020)
6. Karuppaiah
(R6 *suo motu* impleaded as per the
order of this Court dated 05.06.2023)

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to withdraw the complaint of



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the petitioner dated 15.06.2020 pending before the third respondent and entrust the same to any other officer not below the rank of the Deputy Superintendent of Police for investigation of the complaint based on the representation of the petitioner dated 25.06.2020 within the time stipulated by this Court.

For Petitioner	: Mr.Ananth C.Rajesh
For R-1	: Mr.M.Sakthi kumar Government Advocate(Crl.Side)
For R-2	: Mr. V.Angusamy

ORDER

This Criminal Original Petition has been filed to direct the first respondent to withdraw the complaint of the petitioner dated 15.06.2020 pending before the third respondent and entrust the same to any other officer not below the rank of the Deputy Superintendent of Police for investigation of the complaint based on the representation of the petitioner dated 25.06.2020.

2. According to the petitioner the Government had given respective plots for the Arunthathiyar Community in Rayappanpatti Village in Old Survey No.3/10 and New Survey No.379/17. Each two cents were allotted for 30 persons for construction of house. For one plot patta was obtained in the name of one Velliyappan who died on 08.10.2012 through her daughter Suruliammal. Thereafter she sold the property to one R. Manon/third party who does not belong to Scheduled



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Caste community. While the facts are being so, on 15.06.2020 the petitioner had given complaint before the Rayappanpatti Police and again on 07.07.2020 he sent another complaint but no action was taken on the said complaints.

3. No counter was filed by the respondents

4. The learned counsel for the petitioner contended that the Government had granted patta for the Scheduled Caste community and one Suruliammal had obtained a forgery patta in the name of the dead person. Thereafter she sold the property to one Manon who does not belong to Scheduled Caste community. Hence the petitioner had sent a complaint before the respondents they did not take any action, hence the present petition has been filed.

5. The learned Additional Public Prosecutor appearing for the respondents 1 to 3 submitted that already the respondent had enquired the matter and the petitioner also appeared before the respondent and had given an undertaking that he is satisfied with the action taken by the police and no need for further action in this regard and to that effect he has also executed a letter to the respondent police. Therefore nothing survives for further adjudication by this Court.



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6. Heard both sides and perused the materials available on record.

7. On perusal of the records it is observed that already the representation of the petitioner was considered by the first respondent and thereafter it was closed. As per the documents filed by the petitioner, it appears that this petition was filed on 25.06.2020, but the enquiry was conducted by the first respondent on 07.07.2020, ie., after filing this petition the first respondent enquired the matter and the petitioner appeared before the first respondent and had given undertaking that since the said Manon agreed to cancel the sale deed the petitioner is satisfied with the enquiry and no need for further action. The prayer of the petitioner is that to consider his representation dated 15.06.2020 but the same was considered by the first respondent. Hence the petitioner cannot seek any remedy through this petition as the scope of prayer is limited.

8. The learned counsel for the petitioner contended that even as per the undertaking given by the petitioner there is a condition that the said Manon has to cancel the sale deed but still it has not been done. Once the representation of the petitioner was considered it is for the petitioner to approach the appropriate authorities for seeking appropriate remedy for the subsequent events. Even according to the



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petitioner the said Manon is not a party in this petition. Therefore it is for the petitioner to approach the concerned authorities for seeking proper remedy for the breach of conditions in undertaking letter but not through this petition. Since his representation was already considered by the first respondent this Court need not pass any further order in this petition.

9. With the above observation and discussion, this Criminal Original Petition is disposed of.

13.07.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
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To

1. The Superintendent of Police
O/o. Superintendent of Police,
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2. The Deputy Superintendent of Police
Uthamapalayam Sub Division,
Theni District
3. The Inspector of Police
Rayappanpatti Police Station,
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4. The Tahsildhar
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5. The Revenue Divisional Officer
Rayappanpatti,
Uthamapalayam Taluk
Theni District
6. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai



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P. DHANABAL,J.

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