



Crl.O.P(MD).No.19043 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 29.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE P. DHANABAL

Crl.O.P(MD).No.19043 of 2018 and
Crl.M.P(MD).No.8498 of 2018

1.B.Selvi
2.G.Kulothungan
3.S.Radha

...Petitioners

Vs

1. The Superintendent of Police,
Thanjavur District,
District Police Headquarters,
Thanjavur.

2.The Inspector of Police,
Land Grabbing Special Cell,
District Police Officer,
Court Road,
Thanjavur.

3.M.Antiha

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to call for the records pertaining to the impugned summons, dated 04.10.2018 issued by the 2nd respondent and quash the same and consequently direct the 2nd respondent not to involve in civil dispute.



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For Petitioner

: Mr. R.Narayanan

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For Respondents

: Mr. M.Sakthi Kumar
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the impugned summons, dated 04.10.2018 issued by the 2nd respondent and quash the same and consequently, direct the 2nd respondent not to involve in civil dispute.

2. According to the petitioner, based on the complaint given by the third respondent, already the first petitioner filed WP(MD).No.16205 of 2018 before this Court for issuing a direction to the Sub Registrar to release the sale deed and the same is pending and the third respondent also filed WP(MD).No. 15632 of 2018 praying for direction to Sub Registrar not to register any document relating to the property purchased by the first petitioner and the same is also pending before this Court. While so, based on the complaint given by the third respondent, summons have been issued by the Land Grabbing Cell to the 3rd petitioner herein.

3. The learned counsel appearing for the petitioner contended that based



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on the complaint given by the third respondent, second respondent issued summons to the petitioners to appear before the respondent police. In such circumstances, the first petitioner filed W.P(MD).No.16205 of 2018 and the third respondent also filed W.P(MD).No.15632 of 2018 and the same are pending. While so, issuing of summons is abuse of process of Court and therefore, the above said impugned order is liable to be quashed.

4. The learned counsel appearing for the first respondent would submit that based on the complaint given by the third respondent, summon was issued to the petitioners and therefore, at this stage, this petition is liable to be dismissed.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the first respondent and perused the materials available on record.

6. On perusal of the records it is seen that the first petitioner filed WP(MD).No.16205 of 2018 to release the documents already and the same is pending and also the third respondent filed W.P(MD).No.15632 of 2018 not to register any document which is also pending. Both the Writ Petitions are dismissed by this Court, dated 29.08.2023 since the matters have become



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infructuous. Further, the Hon'ble Division Bench of this Court has come to the conclusion that the Government Order passed with regard to constitution of Land Grabbing Cases and constitution of Special Court for Land Grabbing Cases and since the G.O in respect of Land Grabbing Cell was questioned and now, the Hon'ble Supreme Court also dismissed the SLP filed by the Government, there is no further order required to be passed in this Writ Petition. Since the prayer is only limited to the issue of summons, nothing survives for adjudication in this Writ Petition and there is no chance to have enquiry by the Land Grabbing officials. Therefore, no further order is necessary for passing in this Criminal Original Petition.

7. With the above observation, this Criminal Original Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed.

29.08.2023

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

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Thanjavur District,
District Police Headquarters,
Thanjavur.
2. The Inspector of Police,
Land Grabbing Special Cell,
District Police Officer,
Court Road,
Thanjavur.
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai



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P. DHANABAL,J.

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