



W.P.No.7832 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on :03.07.2024

Pronounced on :12.07.2024

CORAM:

THE HONOURABLE DR JUSTICE G.JAYACHANDRAN

W.P.No.7832 of 2024

and

W.M.P.Nos.18036 & 18395 of 2024

P.Peter Paneerselvam

.. Petitioner

/versus/

1.The Inspector of Police,
G-1, Town West Police Station,
Uthagamandalam,
The Nilgiris.

2.The Revenue Divisional Officer,
Uthagamandalam,
The Nilgiris.

3.R.Chickraj

4.N.Sundar

5.Prakash

6.C.V.Viswanathan

7.Kamal Parekh

(R7 is impleaded vide order of this
Court even dated in W.M.P.No: 18395/2024)

.. Respondents



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Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 1st respondent to take action on the petitioner's complaint dated 10.08.2023 and also provide police protection to the property woodcock Hall/Mansion situated at Woodcock Road, Ootacamund District, The Nilgiris in Old S.No.F/15/1 to 9 New S.No.Ward-F, Block-15, TS.No.1,2,7 totally 8.52.11 hect. In alternate 21 acres.

For Petitioner	:Mr.S.Venkatesh
For R1 & R2	:Mr.S.Udaya Kumar Govt.Advocate (Crl.Side)
For R3 & R5	:Mr.C.A.Diwakar
For R4	:No appearance
For R6	:Mr.Hashwatha.M. for Niranjan Rajagopal
For R7	:Mr.Ashwin Prasad

ORDER

The writ petitioner claims himself as power agent of the legal heirs of Late Nawab Sajjit Yar Jung, Former Nawab of Hyderabad. According to him, the legal heirs of Nawab are the owners of the land in old S.No: F/15/1 to 9, New S.No: Ward-F, Block-15, T.S.No:1,2,7 admeasuring 8.52.11 Hect., in alternate 21 acres situated at Woodcock



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Road, Oatacamund District. He as their power agent is taking care of the said land. A suit in Telangana Court is pending against the 3rd respondent restraining him from alienating the property based on the fabricated document. Also, a suit in O.S.No.134/2022 on the file of the District Munsif Court, Ooty is pending in respect of the subject property. While so, using the absence of the petitioner in Ooty, the 3rd respondent with the help of respondents 4 to 6 had illegally cut down the silver oak trees and sandal trees in the said land and removed them. On coming to know about it, he gave a complaint on 10/08/2023 to the first respondent to take action. Though the first respondent had received the complaint and registered it in CSR, till date no action has been taken against the respondent 3 to 6. The respondents continuously felling the trees and illegally transporting it. Subsequent, complaint to the authorities also did not yield any result. Hence, the writ petition is filed seeking Writ of Mandamus to direct the first respondent to take action on the complaint dated 10/08/2023.



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2. The learned counsel for the petitioner, in support of his submission, relies on the power of attorney deed dated 10/07/2018 executed in his favour and in favour of one Stanley Alexander Pillai by Munawar Jehan Begum and Hameedunissa Begum. Further, the copy of the interim order passed by the High Court of Telangana in I.A.No.3/2022 in C.R.P.No:2923/2022 for stay of all further proceedings including registration of sale certificate or any deed of sale in respect of the subject property. He also produced complaints given by the petitioner subsequent to 10/08/2023 alleging life threat and criminal trespass by the private respondents and their hench men.

3. The third and sixth respondent had filed their counter.

4. According to third respondent, the land in dispute was brought to sale on 12/02/1973 by the Joint Receivers-cum-Commissioners, M/s Eswara Prasad and D.D.Sanghi appointed by the Hon'ble Chief Judge, City Civil Court, Hyderabad in an interim final decree passed in the partition suit in O.S.No.18/1962. The 3rd respondent



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was successful buyer and sale certificate dated 03/11/1973 issued in his favour and other purchasers. Since then he and the other purchasers are in absolute possession and enjoyment of the property. All revenue records and tax receipts are in their name. They are running a hotel by name 'Gokul' in the said premises and also cultivating the land. Some persons claiming as legal heirs of one of the defendants in O.S.No.18/1962 been unsuccessful in agitating share in the property. After two round of litigation upto the Hon'ble Supreme Court, in the third round, civil revision petition is filed before Telangana High Court and the same is pending. The writ petitioner a speculator and land grabber, has filed the writ petition making baseless allegations.

5. The power of attorney deed relied by the writ petitioner itself a suspicious document and not executed by the persons, who have any right or interest over the property. The deed executed in SRO, Mredapalli, Telangana for the property at Ooty, Tamilnadu and authorising the power agent to resolve the pending litigations on his own absolving the principal from responsibility 'whatsoever' exposes the character of the writ



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petitioner.

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6. The third respondent pray for dismissal of the writ petition stating that the property purchased through Court sale on 12/02/1973 and sale certificate registered on 03/11/1973 and been in absolute possession of the 3rd respondent and other purchasers is now tried to be disturbed by making frivolous complaints. The writ petitioner or his principal have no right in the property. The standing timber in the land were cut after obtaining due permission from the District Collector and Chairman of the Committee under Rule 2(A) of the Tamil Nadu Hill Areas Tree Protection Rules, 1955. Those trees were removed as part of agricultural activity. The claim of the writ petitioner that silver oak and sandal trees were illegally removed is absolutely false.

7. The sixth respondent in his counter had submitted that, he is a trader of timber at Ooty for several years. There is no sandal wood in that area and no silver oak tree in this subject land. The allegation that silver oak trees and sandal wood trees were illegally removed is



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completely a false allegation made by the writ petitioner. He as a timber merchant, purchased wood from the 3rd respondent who is the lawful owner of the property. He entered into an agreement with the 3rd respondent on 14/12/2020 to cut Bluegum, Wattle, Acacia, Cyprus without ornamental trees. After obtaining permission from the authorities, he removed trees legally. The allegation that he and his men barged into the land illegally is contrary to facts. On the complaint by the writ petitioner, who is utter stranger to the property, the 2nd respondent conducted enquiry and dropped action after ascertaining that it is a false complaint. To cause hindrance to his lawful trade, the present petition is filed with oblique motive.

8. Two implead petitions are filed one by Mr. Kamal Paresh, who claims to be one of the co-owner of the property. Reiterating the facts narrated by the 3rd respondent tracing the title from the court sale of the estate of Nawab of Hyderabad. He contended that, the present writ petition is abuse of process of law conceived by the writ petitioner, who is a seasoned mischief monger and a land grabbing professional. The writ



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petition is filed suppressing several material facts and without impleading all the parties having title and interest over the property.

9. It is also stated that the sale of the property was challenged by one Fathima Sultana Begum and Kazim Nawaz Jung separately before the City Civil Court, Hyderabad and both were dismissed. The application by the Legal Heirs of the Fathima Sulthana Begum to condone delay of 1686 days for pursuing the matter further, came to end on 30/08/2019 when the High Court allowed the revision petition filed by the purchasers challenging the order of the trial court condoning the delay. The SLP filed by the legal heirs of Fathima against the order of the High Court in Civil Revision Petition was dismissed on 12/02/2021. The CRP 2923/2022 pending on the file of the Telangana High Court is an attempt to resuscitate the issue and revive the IA 2179/1973 which was dismissed as abated and no cause of action survives.

10. On the part of the writ petitioner, miscellaneous petition



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W.M.P.No.18036/2024, dated 10/06/2024 is filed to implead two more persons as respondents since they also along with respondents 3 to 6 are cutting the trees illegally. In this petition to implead where Siva shanmuga Kumaran and Anand are respondents 7 and 8, the writ petitioner had brought new facts alleged to have happened during the month of January, 2024 leading to lodging of complaint which is taken as CSR.No.5/2024.

11. The Learned Government Advocate (criminal side) on instruction submitted that, this writ petitioner is neither the title holder of the disputed property nor having power of attorney from the title holder. He states that the civil dispute regarding the sale certificate dated 03/11/1973 through which the third respondent and Kamal Parekh (petitioner in W.M.P.No.18395/2024- filed to implead) claim title so far pending and title vest with them is not set aside. The CRP pending in Telangana High Court is against the order of dismissal of an interlocutory petition as abated in view of death of sole petitioner- Fathima Sultana Begam. While the CRP is filed by the principal, the suit in Ooty Munsif Court is filed for permanent injunction by the writ petitioner as power



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agent. As on date, the revenue records and title deeds are in the name of the 3rd respondent and others. Therefore, after enquiry on the complaints given by the writ petitioner, the respondent police taking note of the fact that the dispute over land being pending in the civil courts and possession not being with the writ petitioner or his principal, concluded that the complaint given by the petitioner is frivolous. The enquiry also reveals that the petitioner citing the power of attorney deed in his name is trying to interfere with the possession of the 3rd defendant and others.

12. In the said circumstances, the Inspector of Police had written a letter to the Revenue Divisional Officer, Ooty on 03/01/2024 to summon both the parties and conduct peace committee meeting and also to take necessary action against the persons who had illegally removed the trees. Suppressing all these facts, the writ petition is filed even without impleading necessary parties.

13. The Learned Government Advocate further submitted that, the respondent police will ensure there is no illegal felling of trees in the



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said land. The parties been advised to settle the title dispute before the civil court. As far as law and order issue, if arise in future, necessary action will be taken against the violators.

14. This Court on hearing the rival submissions and on perusal of the records, clearly find that the writ petitioner is a stranger to the property and and has no locus to file complaint or give representation as owner of the land or the representative of the owner of the land. After the court sale in the year 1973, the title and possession been passed from the legal heirs of Nawab of Hyderabad family to the purchasers of the property through court sale. For more than 45 years the land is in possession of the purchasers and not with the legal heirs of the Nawab. Therefore, the writ petitioner, who claims himself as power agent through the so called legal heirs of Nawab, has no right to claim any right over the property, unless his principal succeed in the pending civil proceedings.

15. At present, the petitioner has no locus to sustain the writ petition on the premise that he is the Power Agent of the descendants of Nawab of Hyderabad and they are the owners of the property. As far as



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the timber standing in the said land, even the owner cannot fell the tree without prior permission of the District Collector. In case there is any violation of the Rules, the authorities shall not hesitate to take action against those who violate the Rules.

16. As the result, **this Writ Petition stands dismissed** for multiple reasons such as, the petitioners lack locus to file this writ petition, lack of bonafide, his failure to implead necessary parties, deliberate and wilful suppression of material facts and pendency of the dispute before the Civil Courts and the matter being apparently a civil dispute, this Court has no hesitation to hold that this writ petition is an attempt to disturb the peaceful possession of the land owners by filing complaint san locus with oblique motive to pressurise the private respondents to succumb.

17. In fine, the W.P.No.7832 of 2024 is dismissed and W.M.P.No:18395/2024 to implead co-owner of the property Mr. Kamal



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Parekh is allowed. W.M.P.No:18036/2024 filed by the writ petitioner to implead Shiva Sanmuga Kumar and Anand stands dismissed. No costs.

12.07.2024

Index:yes/no

Speaking order/non speaking order

Neutral citation:yes/no

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To

1.The Inspector of Police, G-1, Town West Police Station,
Uthagamandalam, The Nilgiris.

2.The Revenue Divisional Officer, Uthagamandalam,
The Nilgiris.

3.The Public Prosecutor, High Court, Madras.

Dr.G.JAYACHANDRAN,J.



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delivery Order made in
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