



Crl.R.C.Nos.440 & 441 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

Crl.R.C.Nos.440 & 441 of 2021

Crl.R.C.No.440 of 2021

A.R.Palaniappan

... Petitioner

Vs.

1.Rama Arunachalam

2.R.M.Palaniappan

3.R.M.Murugappan

4.Meenakshi Achi

5.Velusamy

6.Kanagaraj

7.S.Dharmamoorthy

... Respondents

Crl.R.C.No.441 of 2021

A.R.Palaniappan

... Petitioner

Vs.

1.Rama Arunachalam

2.R.M.Palaniappan

3.R.M.Murugappan

4.Meenakshi Achi

... Respondents

Prayer in Crl.R.C.No.440 of 2021 : Criminal Revision Case filed under



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Section 397 and 401 Cr.P.C, praying to call for the records pertaining to the order dated 04.03.2021 passed in Crl.M.P.No.3319 of 2018 by the Judicial Magistrate, Palladam, set aside the same and direct the Judicial Magistrate, Palladam to take the complaint filed by the petitioner under Section 200 Crl.P.C in Crl.M.P.No.3319 of 2018 on file examine the complainant and witnesses if any and to proceed with the case as per law.

Prayer in Crl.R.C.No.441 of 2021 : Criminal Revision Case filed under Section 397 r/ and 401 Cr.P.C, praying to call for the records pertaining to the order dated 04.03.2021 passed in Crl.M.P.No.1613 of 2018 by the Judicial Magistrate, Palladam, set aside the same and direct the Judicial Magistrate, Palladam to order further investigation in Cr.No.15 of 2016 by DCB, Tiruppur and file a report thereon.

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For Petitioner : Mr.P.T.Perumal

For Respondents : Died [R1]
Mr.M.A.Arshad [R3 & R4]
Mr.C.Harish [R5 & R6]
Mr.N.Manokaran [R7]

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For Petitioner : Mr.P.T.Perumal

For Respondents : Died [R1]
Mr.M.A.Arshad [R3 & R4]
Mr.C.Harish [R5 & R6]
Mr.N.Manokaran

COMMON ORDER



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Since the issue involved in both the revisions being one and the same, with the consent of the learned counsel appearing for both sides, these revisions were heard together and disposed of by this common order.

2. The case of the petitioner is that, his grandfather is the owner of the property in Survey No.380/3, which was purchased by way of court auction on 27.01.1927. Thereafter, he died on 11.06.1938 and thereafter, father of the petitioner succeeded the estate of his grandfather and he is in possession and enjoyment of the said property, in which the respondents created a fraudulent document and obtained patta from the Tahsildar. Hence, he made a complaint before the law enforcing agency and the law enforcing agency registered an FIR in Crime No.15 of 2016 for the offence u/s 120(B), 465, 468, 419 of IPC pursuant to the direction issued by the trial court u/s 156(3) of Cr.P.C. Thereafter, the case was referred to as mistake of fact, thereby the petitioner filed private complaints u/s 200 of Cr.P.C. before the court below and the same was dismissed vide impugned orders. Challenging the same, the petitioner has filed the present revisions.



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3. The learned counsel appearing for the petitioner submitted that the petitioner is the legal heir of his grandfather, namely Ramanathan Chettiar and obtained legal heir certificate through civil court, even then, the respondents prepared bogus documents and obtained patta from the Tahsildar, which is wholly unsustainable. However, he submitted that, this Court, without going into the merits of the case may grant liberty to the petitioner to file appropriate application before the Tahsildar for cancellation of patta within a time frame that may be fixed by this court and this court may direct the Tahsildar to dispose of the same in the manner known to law, after providing opportunity to the petitioner as well as the respondents.

4. The learned counsel appearing for the respondents 3 and 4 has no objection for granting the above liberty to the petitioner.

5. In view of the above, these Criminal Revision Cases are dismissed with a liberty to the petitioner to file appropriate application



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before the concerned Tahsildar for cancellation of patta which was given in favour of the respondents in terms of Patta Passbook Act, within a period of two (2) weeks from the date of receipt of a copy of this order. Upon receipt of such application, the concerned Tahsildar is directed to dispose of the same in accordance with law, after providing opportunity to the petitioner as well as the respondents, within a period of four (4) weeks thereafter.

15.04.2024

Index : Yes / No
Speaking order / Non-speaking order
NCC : Yes / No
sp

To

The Judicial Magistrate, Palladam.



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M.DHANDAPANI, J.

sp

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