



WP(MD) No.4525 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.02.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD) No.4525 of 2024

Ramakrishnan

... Petitioner

/vs./

- 1.The Superintendent of Police,
Madurai District,
Madurai.
- 2.The Deputy Superintendent of Police,
Thirumangalam Division,
Madurai District.
- 3.The Inspector of Police,
Thirumangalam Town Police Station,
Thirumangalam,
Madurai District.
- 4.Renuga
- 5.Murugesan
- 6.Subbulakshmi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first Respondent to depute any one of the officer not below the rank of Deputy Superintendent of Police to conduct



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fair enquiry on the complaint of the Petitioner dated 05.01.2024 and take appropriate action against the culprits.

For Petitioner : Mr.K.Radhakrishnan

For R-1 to R-3 : Mr.B.Thanga Aravindh
Government Advocate
(Criminal Side)

ORDER

The learned Counsel for the Petitioner submitted that the Petitioner had filed this petition seeking direction against the first Respondent to depute any one of the officer not below the rank of Deputy Superintendent of Police to conduct fair enquiry on the complaint of the Petitioner dated 05.01.2024 and take appropriate action against the culprits.

2. The learned Counsel for the Petitioner submitted that the Petitioner had purchased the property from the sixth Respondent through a registered sale deed dated 26.08.2009. Subsequently, he came to know that the properties could not be identified by four side boundaries and the survey number mentioned in the sale deed. Therefore, the Petitioner approached the sixth Respondent. The sixth Respondent stated that she had purchased the property as shown in the sale deed



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from the fifth Respondent and directed the Petitioner to approach the fifth Respondent. When the Petitioner approached the fifth Respondent, he submitted that he had purchased the property from the fourth Respondent. It is the submission of the learned Counsel for the Petitioner that the Respondents 4 to 6 had created documents, as though there are properties as per the description in the sale deed identifying the property by four side boundaries and survey numbers. Actually, there is no such property on the ground. Therefore, the Petitioner felt that he was cheated by the Respondents 4 to 6. The Petitioner herein filed a complaint before the Superintendent of Police, Madurai Rural who had forwarded the complaint to the Respondents 2 and 3. When the third Respondent, the Inspector of Police, Thirumangalam Town Police Station conducted enquiry, the Respondents 4 to 6 appeared before the third Respondent and submitted that they will carry out amendment in the sale deed by executing a rectification deed. Subsequently, the Petitioner waited for execution of a rectification deed.

3. Though the Respondents 4 to 6 had given undertaking with regard to rectification, they had not executed any rectification deed. Once again the Petitioner approached the first Respondent with a fresh representation dated 05.01.2024.



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4. The learned Government Advocate (Criminal Side) on instructions of the Respondent Police would submit that on an earlier occasion, when the Petitioner approached the first Respondent, the complaint was forwarded to the third Respondent and the third Respondent held enquiry. The Respondents 4 to 6 undertook to rectify the defects by executing the rectification deed. But it seems they had not done so, which forces the Petitioner to approach the first Respondent by filing fresh representation on 05.01.2024.

5. The learned Government Advocate (Criminal Side) on instructions of the Respondent Police would submit that they are ready to conduct enquiry and pass appropriate orders as per the circular of the Director General of Police, Tamil Nadu / Head of State Police Force, Tamil Nadu and the circular of Additional Director General of Police, Law and Order, Tamil Nadu, warning the Field Officers about disputes regarding properties.

6. Considering the submission of the learned Counsel for the Petitioner and the learned Government Advocate (Criminal Side), this is a different case, from the circular issued by the Director General of Police / Head of State Police Force, Tamil Nadu, warning the Field Officers across the State not to involve in property disputes and money disputes. It is the case where the vendor of the Petitioner, the



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sixth Respondent, who is alleged to have sold the property describing the property by survey numbers and boundaries, whereas there is no such property on the ground. When the Petitioner approached the sixth Respondent, as she was unable to identify the property, she had blamed it on her vendor the fifth Respondent. When the Petitioner approached the fifth Respondent, he blamed it on his vendor, the fourth Respondent. Therefore, the Petitioner felt that the Respondents 4 to 6 are in collusion among themselves and committed fraud on the Petitioner. It is cheating by executing fraudulent deeds which attracts provisions of IPC regarding white collar crimes. Therefore, it is an exemption to the circular of the Director General of Police / Head of State Police Force, Tamil Nadu warning the Field Officers from involving themselves in property disputes. Here, there is no such property, whereas the Petitioner was forced to part with the money by execution of a sale deed, which was duly registered before the Sub-Registrar office.

7. Therefore, the first Respondent is directed to nominate a senior officer who is impartial in his investigation, regarding white collar crimes involving fraudulent deeds regarding properties. The same may be enquired and case may be registered and investigated by the Respondent Police.



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8. With the above direction, this Writ Petition is disposed of. No costs.

28.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Nsr

TO:

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Madurai.
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- 3.The Inspector of Police,
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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

Order made in
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Dated:
28.02.2024