



W.P(MD)No.6681 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P(MD)No.6681 of 2024

T.R.Rajan,

... Petitioner

Vs

1. The Superintendent of Police,
Tenkasi,
Tenkasi District.

2. The Inspector of Police,
Alangaulam Police Station,
Tenkasi District.

3. Murugan,

4. Ganesan,

5. Sakthikumar,

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to take necessary steps to withdraw the petitioners compliant dated 08.12.2023 in CSR No. 1545/2023 on the file of the 2nd respondent police, Alangulam Police Station, Tenkasi District and



W.P(MD)No.6681 of 2024

transfer the same to the some other investigation agency.

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For Petitioner : Mr.S.Saravana Kumar

For R1 & R2 : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

ORDER

The learned Counsel appearing for the Petitioner submit that the Respondents 3 to 5 in collusion among themselves created a false document regarding the property that stood in the name of the father of the Petitioner, which is an ancestral property and they had sold the property to the fifth Respondent. On coming to know about the same, the Petitioner herein, had approached the District Registrar, Tenkasi, for cancellation of the sale deed executed by the Respondents 3 and 4 in favour of the fifth Respondent. The District Registrar, Tenkasi, by proceedings in இ.பெ.,எண்.1880/ஆ2/2019, நாள் 06.05.2022, had cancelled the sale deed executed by the Respondents 3 and 4 in favour of the fifth Respondent and also recommended the Inspector General of Registration to take disciplinary action against the Sub Registrar, who had registered the documents. The Petitioner also preferred a complaint before the



W.P(MD)No.6681 of 2024

second Respondent but the second Respondent had only issued CSR and not registered a case.

2.It is the contention of the learned Counsel appearing for the Petitioner that at the insistence of the Sub Registrar, who had registered the sale deed, the second Respondent declined to register a case, even though there was sufficient materials in the complaint attracting the cognizable offences.

3.The learned Government Advocate (Crl.Side) on instructions of the Respondents 1 and 2 submit that based on the Petitioner's complaint, CSR No.1545 of 2023 was registered.

4.Considering the submissions made by the learned Counsel appearing for the Petitioner and the learned Government Advocate (Crl.Side), the Superintendent of Police, Tenkasi, is directed to withdraw the complaint from the second Respondent and entrust the same to the District Crime Branch. Since the matter involves serious consequences, the property under the possession of the Petitioner's family had been usurped by the criminal intention of the Respondents 3 to 5 creating false



W.P(MD)No.6681 of 2024

documents, which was agitated by the Petitioner by approaching the District Registrar regarding the registration of the sale deed without relevant documents. The District Registrar after conducting enquiry, cancelled the registration done by the Sub Registrar concerned and also recommended the Inspector General of Registration to initiate disciplinary proceedings against the Sub Registrar, who had registered the sale deed. Under those circumstances, *prima facie* complaint attracts cognizable offences, whereas, the second Respondent had only issued CSR.

5. Therefore, the Superintendent of Police, Tenkasi is directed to entrust the complaint to the District Crime Branch, Tenkasi, proceed with impartial investigation and complete the investigation, within a period of three months, from the date of receipt of a copy of this order. It shall be continuously monitored by the Senior Officer in the cadre of Assistant Superintendent of Police or Deputy Superintendent of Police till the investigation is completed and filing of the final report before the Court concerned.



W.P(MD)No.6681 of 2024

6. With the above directions, this writ petition is disposed of. No costs.

20.03.2024

Index : Yes/No
Internet: Yes/No
LR



W.P(MD)No.6681 of 2024

To

1. The Superintendent of Police,
Tenkasi,
Tenkasi District.

2. The Inspector of Police,
Alangaulam Police Station,
Tenkasi District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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W.P(MD)No.6681 of 2024

SATHI KUMAR SUKUMARA KURUP, J.

LR

W.P(MD).No.6681 of 2024

20.03.2024