



A.No.603 of 2025
in
C.S.No.569 of 2013

A.A.NAKKIRAN, J.

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This application has been filed to re-open the case to issue sub-poena to the Inspector of Police, Team XVI, Central Crime Branch, Anti Land Grabbing Cell, Vepery, Chennai, directing them to produce before this court the charge sheet, witness statements, discharge petition filed by the sixth respondent, K.Balachandar, and the counter filed by the prosecution in Cr.No.503/2011 in CC.No.5417/2023.

2. Learned counsel for the applicant submitted that since the applicant was residing in USA from 2017 to 2024, taking advantage of his absence, the sixth respondent illegally took possession of the suit property and also filed O.S.No.5611 of 2017 for permanent injunction. Hence, the applicant filed amendment petition seeking recovery of possession against the respondents. He further submitted that it is necessary to present the relevant documents to substantiate how the respondents fabricated forged documents and encumbered the property. Hence, he prays to allow this application.

3. Learned counsel for the respondents submitted that the Metropolitan Magistrate allowed the application stating that the property purchased by the plaintiff and 6th defendant is squarely different one and the four boundaries



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gv

also differs. There are no materials for framing the charges against the 6th

respondent. The matter has reached finality on 12.08.2024 and if at all, the petitioner is aggrieved against the same, he has to prefer Appeal or Revision as contemplated under the law. He has filed this application only to adopt delay tactics methods and the identity of the property also differs and the petitioner wants to fill up the lacunae before this court. Hence, he prays for dismissal of the application.

4. Upon hearing the submissions made on either side and perusing the materials on record and considering the facts and circumstances of the case, and that the respondent has got every right to cross examine the witness to prove his contention and taking note of that no prejudice would be caused to the respondents if this application is allowed and in the interest of justice, this application is allowed.

5. Registry is directed to list the suit before the learned Additional Master concerned for recording evidence on 06.03.2025.

Gv

27.02.2025