



W.P.No.18043 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.18043 of 2023
and W.M.P.Nos.17216 of 2023 & 17452 of 2025

P.Mylsamy,
S/o.Palanisamy Gounder,
No.1/157-3, Selvapuram,
Seran Nagar, Kovilpalayam,
Kinathukadavu Taluk - 642 110,
Coimbatore District.

...

Petitioner

versus

1.The Superintendent of Police,
Coimbatore District,
Anti Land Grabbing Special Cellm
Coimbatore District.
O/o.The District Police Office,
State Bank Road, Coimbatore - 642 018.

2.The Sub Inspector of Police,
Enquiry Officer,
Anti Land Grabbing Special Cell,
Coimbatore District - 642 018.

3.Valliammal, W/o.Rakkiappan
4.Ponnusamy, S/o.Kandhasami Gounder
5.Muruganantham, S/o.Ponnusamy



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Respondents 3 to 5 are residing at
No.10, Muthur,
Kinathukedavu Taluk,
Kovai - 642 109.

6.Sundaram, VAO
Kinathukedavu Village,
Kinathukedavu Taluk - 642 109.

7.C.Duraisamy,
S/o.Chinnasamy,
Secretary,
Kinathukedavu Primary Agriculture
Cooperative Society,
Kinathukedavu Post - 642 109,
Coimbatore District.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for entire records relating to the impugned enquiry report dated 01.02.2023 passed by the second respondent and quash the same and direct the first respondent to enquire the complaint dated 05.12.2022 afresh affording opportunity to the petitioner and deal with the same in accordance with the law.

For Petitioner	:	Mr.N.S.Sivakumar
For Respondents	:	Mr.R.Vinothraja
		Government Advocate (Crl. Side)
		for R1 & R2
		Mr.L.Mouli - R3 to R5
		Mrs.Kanimozhimathi - R7

ORDER

Challenge has been made to the report dated 01.02.2023 passed by
the Sub Inspector of Police / second respondent.



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2. The petitioner originally gave a complaint dated 05.12.2022 that he is the owner of the property to the extent of 1.92 cents in Survey No.46/B4. The petitioner traces his right on the basis of the predecessor in title. According to him, he has already filed a suit in O.S.No.517 of 1998 for permanent injunction and the suit has been decreed. When the matter stood thus, the respondents 3 to 5 created a mortgage deed in respect of 1.92 cents in Survey No.46/B4 and availed the loan from the Cooperative Society.

3. According to the petitioner, the forgery was committed by the respondents 3 to 5 and hence, he sought an action. Previously, he filed Criminal Original Petition in CrI.O.P.No.31538 of 2022 for seeking direction and this Court had directed the police to conduct the enquiry and if any cognizable offence is made out, to proceed as per law. Now, it is brought to the notice of this Court that the suit in O.S.No.349 of 2023 is pending before the Sub Court, Pollachi, wherein the petitioner is also made as a defendant and he was cross-examined. The cross-examination dated 22.02.2024 has also been placed before me.



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4. On perusal of the very cross examination, this Court is of the view that the rights of the parties in respect of Survey No.46/B4 have to be decided only by the Civil Court on appreciation of evidence. So at this stage the petitioner cannot delegate the enquiry to the police to decide who is the owner of the property. Even assuming that a person executed a mortgage deed believing that the property belongs to him, such an act will not amount to the creation of false records and it will not come within the definition of Section 464 of IPC. It has been clearly held by the Hon'ble Supreme Court in the case of *Mohammed Ibrahim Vs. State of Bihar* reported in (2009) 8 SCC 751.

5. In view of the above, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

20.08.2025

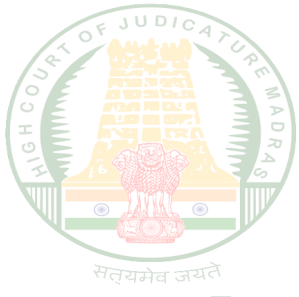
Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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