



*Crl.O.P.No.10192 of 2025*

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

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DATED : 11.06.2025

CORAM :

**THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

Crl.O.P.No.10192 of 2025  
and Crl.M.P.Nos.6818 and 6819 of 2025

Gandhi Kanimozhi

.. Petitioner

**Versus**

The State rep by  
Inspector of Police,  
Vigilance and Anti Corruption,  
Cuddalore.

Cr.No.1 of 2022

.. Respondent

**Prayer :** Criminal Original Petition filed under Section 528 of BNSS, to call for the records and quash the entire proceedings in Spl.C.C.No.3 of 2024 pending on the file of the learned Chief Judicial Magistrate, Cuddalore as against the petitioner.

For Petitioner : Mr.R.John Sathyan, Senior Counsel,  
for Mr.R.Sathish Kumar



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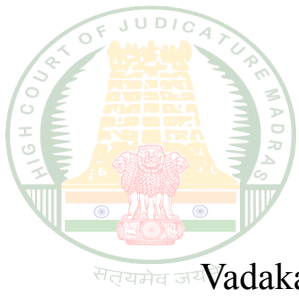
For Respondent : Mr.A.Gokulakrishnan,  
Additional Public Prosecutor

### **ORDER**

This Criminal Original Petition is filed to call for the records in Spl.C.C.No.3 of 2024 on the file of the learned Chief Judicial Magistrate, Cuddalore as against the petitioner and quash the same.

2. Heard *Mr.R.John Sathyan*, Senior Counsel for the petitioner and *Mr.A.Gokulakrishnan*, learned Additional Public Prosecutor for the respondent.

3. The learned Senior Counsel for the petitioner would submit that the petitioner is arrayed as accused No.2 in this case. The allegation made is that originally, when accused No.3 developed lands in S.No. 190/1, etc., of



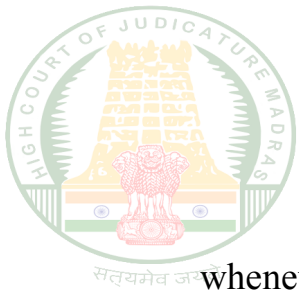
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Vadakathu village, Panruti taluk, Cuddalore district, the portions earmarked as roads and parks were gifted to the local body by a gift deed dated 28.01.2000, vide document No.139/2000.

4. It is also the case of the prosecution that subsequently, several plots were sold. Subsequently, the accused Nos.1 and 3 conspired together and the accused No.1, being the President of the village, agreed to return the entire area that was earmarked as parks and roads. Together, they once again presented a revocation deed, dated 19.08.2014, which is said to have been registered in document No.2117 of 2014 by the petitioner/accused No.2, who was acting as a Sub-Registrar at the office of the Sub Registrar, Vadalur at that relevant time.

5. The learned Counsel would submit that the prosecution is relying solely on two circulars. A reading of these circulars reveals that the first circular, dated 12.04.2011, produced along with the final report, states that



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whenever properties are gifted to the local body, without the local body authorizing the presentation of the document jointly, the gift should not be canceled upon unilateral presentation of any document. In this case, the President of the local body also participated in the execution of the revocation deed. Therefore, that circular is not violated. Similarly, the second circular, dated 29.11.2018, relied upon by the prosecution, also states that unless both parties present the document for revocation of the settlement/gift deed together, it shall not be registered by the Sub-Registrar. Thus, in this case, the petitioner has not violated any mandatory rule. In the absence of such violation and any other evidence of receiving any pecuniary benefit, with the beneficiary being only accused No.3 and the document executed solely by accused No.1, the inclusion of the petitioner as accused No.2 is entirely without foundation. Therefore, the final report is liable to be quashed.

6. Per *contra*, the learned Additional Public Prosecutor submits that in



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this case, the layout has been developed and several plots have since been sold. This was originally done in the year 2000 and now, the revocation deed has been registered in the year 2014 by violating the rules. Certainly, the accused No.2 aided and abetted the other accused in the whole episode; as such, the petitioner has rightly been included as an accused in the final report filed by the prosecution.

7. I have considered the rival submissions made on either side and examined the material records of the case.

8. As rightly pointed out by the learned Senior Counsel for the petitioner, if both parties to the document entitled to present it did so and if the deed was registered by accused No.2, then the argument can be upheld. It can be observed that in the year 2000, the property vested in the local authority by virtue of the gift deed dated 28.01.2000. Once the property vests in the local authority, neither the Panchayat is empowered to pass any



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resolution nor is the President of the Panchayat in any manner authorised to surrender or return the land vested in the local body. The entire authority to gift or return any land is solely vested with the Government and these powers are to be exercised for various purposes as detailed in Revenue Standing Orders Nos.15 to 26. According to Article 243-G of the Constitution of India, Village Panchayats shall have the powers as devolved on them by such laws that may be enacted by the appropriate legislature. The Tamil Nadu Panchayat Act, 1994, enumerates the powers and functions of the Village Panchayat in Chapter VIII. However, the Village Panchayat has no authority to give back, gift, or assign lands that are vested in it. Therefore, the panchayat cannot pass any resolution agreeing to give back the lands vested in it as roads and parks. Furthermore, Section 84 of the said Act empowers only the Executive Authority to carry out the resolutions of the panchayat. Section 83 enables the Government to appoint or designate any authority as the Executive Authority of the Panchayat. The Government has exercised this power and appointed only the Block Development



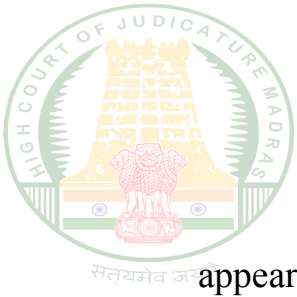
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Officers as the Executive Authority; hence, the President of the panchayat cannot execute such documents. Useful reference in this regard can also be made to ***V.Balamurugan Vs. The District Collector, Virudunagar***<sup>1</sup>. Thus, the document presented is absolutely illegal, collusive, and clearly aimed at causing wrongful gain to the individuals involved. Therefore, when the letter of the law is violated, the pedantic argument that the two cited circulars are not violated cannot be countenanced.

9. Therefore, when *prima facie* materials are present to proceed, the final report filed cannot be interfered with. All contentions of the petitioner/accused No.2 are left open to be raised during the trial. Accordingly, finding no merits, this Criminal Original Petition stands dismissed. At this stage, the learned Counsel for the petitioner submits that the personal appearance of the petitioner/accused No.2 can be dispensed with. Except for necessary hearings such as framing of charges, questioning of the accused, and hearings which the Trial Court insists upon, the personal

<sup>1</sup> 2007 4 MLJ 109



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appearance of the petitioner/accused No.2 shall be dispensed with for other hearings. Consequently, the connected miscellaneous petitions are closed.

11.06.2025

Neutral Citation : yes  
grs

To

1. The Chief Judicial Magistrate,  
Cuddalore.
2. The Inspector of Police,  
Vigilance and Anti Corruption,  
Cuddalore.
3. The Public Prosecutor,  
High Court of Madras.



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**D.BHARATHA CHAKRAVARTHY, J.**

grs

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