



WEB COPY



CrI.O.P.No.15897 of 2024
and CrI.M.P.No.9694 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 02.04.2025

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.15897 of 2024

and

CrI.M.P.No.9694 of 2024

Maheswary

... Petitioner/A1

Versus

The Inspector of Police,
Vigilance and Anti-Corruption,
Namakkal, Namakkal District.
(Crime No.6/AC/2022)

... Respondent

PRAYER : Criminal Original petition filed under Section 528 of BNSS praying to call for the entire records pertaining to the F.I.R. in Crime No.6/AC/2022 pending on the file of the respondent and quash the same as illegal.

For Petitioner : Mr.R.John Sathyan, Senior Counsel
for Mr.R.L.Dhilipan Pandian

For Respondent : Mr.S.Udaya Kumar
Government Advocate (CrI. Side)



WEB COPY



Crl.O.P.No.15897 of 2024
and Crl.M.P.No.9694 of 2024

ORDER

The petitioner/A1 in Crime No.6 of 2022 had filed this petition seeking to quash the F.I.R., which was registered on the complaint of Inspector of Police, Vigilance and Anti-Corruption, Namakkal against the petitioner and two others for offences under Sections 120-B, 409, 468, 471 of I.P.C. and 13(2) r/w 13(1)(c) and (d) of the Prevention of Corruption Act, 1988.

2.The contention of the learned Senior Counsel appearing for the petitioner is that during the period between October 2017 and June 2018, the petitioner held the post of Manager, Technical Wing, District Survey Office, Collectorate, Namakkal District and A2/Akbar Ali was Sub Inspector of Survey, Kolli Hills, Namakkal District and A3/Madheswari was Head Draftsman, Technical Wing, District Survey Office, Collectorate, Namakkal District. The allegation against the petitioner is that the petitioner along with other two accused conspired and made false entries in the 'A' Registers and



Crl.O.P.No.15897 of 2024
and Crl.M.P.No.9694 of 2024

WEB COPY

Chitta Registers of villages of Kolli Hills Taluk by converting the Tharisu

Poramboke land into Patta land and entered the names of private individuals.

The petitioner forged the data of the land in S.No.542/3 in Ariyur Nadu

Village, facilitating the relatives and friends of the petitioner and other

accused to create documents and title over the Government lands.

3.The further contention of the learned Senior Counsel is that the primary allegation against the petitioner is that, petitioner as Manager, Technical Wing for the computer registration of the documents pertaining to villages in Kolli Hills Taluk, failed to monitor the computerization of survey numbers properly, and thereby some of the survey numbers of Government Poramboke lands changed, thereby, facilitating the private persons to create documents, which the petitioner authorised, without any permission and also failed to bring to the notice of higher officials about the forgery committed by other accused. The petitioner holding a responsible post, failed to take proper notice of the deficiencies under her control. For the said allegations, the

3/18



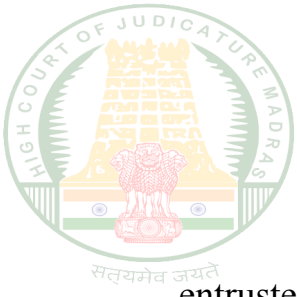
Crl.O.P.No.15897 of 2024
and Crl.M.P.No.9694 of 2024

WEB COPY

Director of Survey and Settlement, Chepauk, Chennai, issued a show cause notice in Na.Ka.No.2/00320/2019(1) dated 10.06.2022. Hence, the head of the department found the petitioner committed lack of supervision and nothing more. But the respondent police registered a criminal complaint following the enquiry report, which is not proper. In this case admittedly, the petitioner is not a field officer and her work is only in the District Survey Office at Namakkal. The petitioner had gone by the report submitted by the Inspector of Survey and the Head Draftsman. The petitioner had no reason to doubt the officers of her department at that point of time. Now the same is projected against the petitioner as though the petitioner conspired and committed the offence.

4.He further submitted that on taking into the complaint as a whole it is clear, no offence is made out. Even by the complaint it is seen that 'A' Registers, Chitta Registers of Ariyur Nadu, Selur Nadu, Valavanthi Nadu, Thinnanur Nadu and Valapur Nadu villages of Kolli Hills Taluk, were

4/18



Crl.O.P.No.15897 of 2024
and Crl.M.P.No.9694 of 2024

WEB COPY

entrusted to them for the purpose of computerization of data. Later it was found that Ariyur Nadu 'A' Register was tampered and new Survey Nos.1034, 145, 542/3 and 724 assigned and also entered in the name of private individuals. Here the allegation is that classification of the land changed from Sarkar Poramboke to Ryotwari Punjai and false entries made in the corresponding patta numbers in Chitta Register for pecuniary benefits, thereby the relatives and friends of the petitioner have executed documents in Senthamangalam Sub Registrar Office in Doc.Nos.242/2018, 458/2018, 459/2018, 460/2018, 461/2018 and 462/2018.

5.He further submitted that as early as on 07.06.2011, the Revenue Divisional Officer, Namakkal furnished a report in Na.Ka.No.2593/A2/2011 complaining that in Kollimalai Taluk, Namakkal District, seven revenue villages form part of Vazhavandhi Sub Taluk. During Jamapandhi on 13.06.2011, around 441 public from these villages submitted 380 petitions stating that during the re-survey lot of mistakes committed in the revenue

5/18



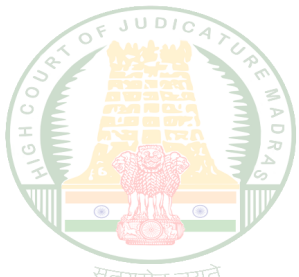
CrI.O.P.No.15897 of 2024
and CrI.M.P.No.9694 of 2024

WEB COPY

records and a report was submitted by the Tahsildar. From the report it is seen that following the complaint of the public all the Village Administrative Officers of Kollimalai Taluk were called to the office. The Tahsildar, Regional Deputy Tahsildars and Revenue Inspectors formed a team and the entire revenue records were verified and found that during the re-survey there were lot of mistakes crept in and false details entered. As per the old account, there are 143.85 acres of reserved forest situated in Vazhavandhi village but after re-survey it is mentioned that there was no reserved forests. Likewise in other villages the extent of acres of land not properly entered and vast area running to thousands of acres deleted, hence account could not be completed for this Fasali. Hence, submitted a report seeking for a detailed verification of the village record by the Assistant Director (Survey).

6.The learned Senior Counsel placed his submissions based on the report of the Tahsildar dated 15.06.2011. He submitted that the villagers in the name of Tamil Nadu Tribal Welfare Association, Kolli Hills, Namakkal

6/18



Crl.O.P.No.15897 of 2024
and Crl.M.P.No.9694 of 2024

WEB COPY

District filed a writ petition before this Court in W.P.No.13783 of 2012 challenging the action being taken by the revenue authorities and District Survey Office. The First Bench of this Court, by order dated 21.10.2013 considered the submissions and directed the respondents therein to act in accordance with Namakkal District Collector Gazette No.21 dated 19.08.2004, Gazette No.6 dated 02.03.2005, Gazette No.10 dated 25.04.2006 and Gazette No.11 dated 18.08.2008 and also recorded that some defects crept in while performing re-survey work and it is always open to the revenue and survey department to rectify the same in accordance with the provisions of the Tamil Nadu Survey and Boundaries Act, 1923. Pursuant to the said order, the Collector by his report dated 24.02.2019 submitted that out of the mistakes found in 13 revenue villages, mistakes in 10 revenue villages identified, corrections carried out and original survey numbers and land area restored. Such being the case, the registration of F.I.R. belatedly in the year 2022 is nothing but a malafide prosecution and harassment. The petitioner



Crl.O.P.No.15897 of 2024
and Crl.M.P.No.9694 of 2024

already attained superannuation and she was suspended and permitted to retire. The petitioner can very well explain in the departmental enquiry for the mistake committed and rectification of the same by the other officers, and criminal case is not the answer.

7.The learned Senior Counsel relying upon the judgment of Hon'ble Apex Court in the case of *State of Haryana and Others vs. Bhajan Lal and Others* reported in *1992 AIR 604* submitted that this case would clearly fall under the seventh clause (g) of the Bhajan Lal's case wherein it is held that where a criminal proceeding is manifestly attended with malafide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused, the case can be quashed.

8.The learned Senior Counsel further relied upon the judgment of the Apex Court in the case of *Vineet Kumar and others vs. State of Uttar Pradesh and another* reported in *(2017) 4 SCC (Cri) 633*, wherein it is held



CrI.O.P.No.15897 of 2024
and CrI.M.P.No.9694 of 2024

WEB COPY

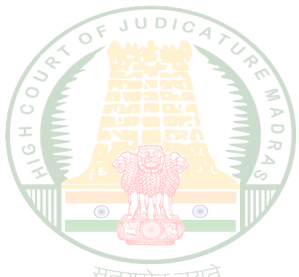
that no prosecution can proceed primarily on the statement under Section 164 of Cr.P.C. of some of the witnesses alone. Further he referred to the judgment of the Apex Court in *M/s.Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and others* reported in *AIR 2021 SC 1918*, wherein certain principles formulated in quashing the F.I.R. He further submitted that the Hon'ble Apex Court in the case of *Sheila Sebastian vs. R.Jawaharaj* reported in *2018 (3) SCC (Cri) 275*, had clearly held that it is the imposter, who can be said to have made false document by committing forgery and not others. He also relied upon the decision of the Hon'ble Apex Court in the case of *Latesh @ Dadu Baburao Karlekar vs. The State of Maharashtra* reported in *(2018) 3 SCC 66* on the point that however strong the suspicion may be, it cannot take the place of proof. Strong suspicion, coincidence, grave doubt cannot take the place of proof. Thus he submitted that in this case taking the complaint as a whole in any manner does not make out a case against the petitioner. Hence, prayed for quashing of the F.I.R.



CrI.O.P.No.15897 of 2024
and CrI.M.P.No.9694 of 2024

WEB COPY

9.The learned Government Advocate submitted that on 13.06.2011 during the Jamapandhi at Kolli Hills around 441 villagers had given 380 complaints stating that while carrying out re-survey, lot of forgery committed by the concerned officials and vast track of Government lands converted and shown as private lands, thereby facilitating registration of the documents in the name of private individuals, who are relatives or friends or known persons to the accused herein. In this case, the petitioner/A1 was the Manager, Technical Wing, District Survey Office, Namakkal, A2 is the Sub Inspector of Survey, Kolli Hills, Namakkal District and A3 is the Head Draftsman, Technical Wing, District Survey Office, Namakkal. All the three conspired with others and committed forgery by not entering the proper and correct survey numbers, its classification and extent. Some of the survey numbers deleted and new survey numbers inserted and also changed the classification of Government lands from Sarkar Poramboke to Ryotwari

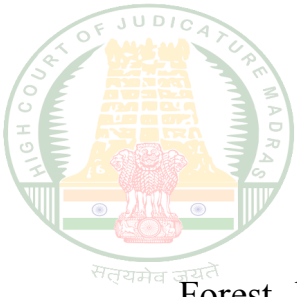


Crl.O.P.No.15897 of 2024
and Crl.M.P.No.9694 of 2024

WEB COPY

Punjai. Reserved Forest area of 143.85 acres completely deleted and forest lands were completely erased in the revenue records.

10.Further submitted that in the Valapur Nadu revenue village, as per the old account, 2135.90 acres of Government Poramboke land was there. During the re-survey this extent of Government land reduced to 1112.79 acres. Likewise in Thevanur Nadu village, 286.51 acres of Punjai lands were additionally recorded. Further, the Reserved Forest land of 20.70 acres were deleted in re-survey. In Guntur Nadu village, as per old accounts, Government Poramboke land of 5302.81 acres reduced to 910.76 acres during re-survey, thereby the revenue records transferred and the Government Poramboke land of 4392.05 acres were missing. In the same village, Punjai lands were reduced to 227.68 acres. Likewise in the Ariyur Nadu village as per old accounts, 298.23 acres of Reserved Forest and 689.41 acres of Forest land were recorded but in re-survey, without mentioning Reserved Forest and



Crl.O.P.No.15897 of 2024
and Crl.M.P.No.9694 of 2024

WEB COPY

Forest land only 573.54 acres of Poramboke land recorded. Thus in a calculated manner Government Poramboke lands, Reserved Forest lands and various lands deleted during the re-survey and it is not an accidental deletion. In a well orchestrated manner all the accused joined together, to benefit their relatives, friends and others have tampered with corrected revenue records knowing it to be false and hence forgery committed during the re-survey.

11.He further submitted that in the Kolli Hills area Malayali Scheduled Tribe people are residing, who were assigned conditional patta. These lands not entered in the 'A' Register and there was no correlation between old survey and re-survey numbers and the extent of lands. Hence the committee to enquire was formed with the Village Administrative Officer, Tahsildar, Regional Deputy Tahsildar and others and preliminary enquiry confirmed the same. Thereafter Assistant Director (Survey) verified the documents, confirmed that it is not an accidental mistake but well planned act of the



Crl.O.P.No.15897 of 2024
and Crl.M.P.No.9694 of 2024

WEB COPY

accused found. The report was sent to vigilance department, who verified the documents, found involvement of A1 to A3 and others in the offence. Hence F.I.R. registered, now investigation commenced. It is found that document Nos.242/2018, 458/2018, 459/2018, 460/2018, 461/2018 and 462/2018 registered for some of the properties for which, forgery committed during the re-survey and wrong entries made in SRO, Senthamangalam Taluk. The vendors and buyers are close relatives, friends and known persons to the petitioner and other accused, which have been verified and confirmed during investigation. So far, 5 witnesses out of 60 witnesses, who are already enlisted, examined, 50 documents collected and investigation is on going. The contention of the petitioner and its veracity can be decided during investigation. He further submitted that proceeding under the Service Rules is independent of the Criminal Case. This Court as well as the Hon'ble Apex Court in several cases held that both are independent, can co-exists.

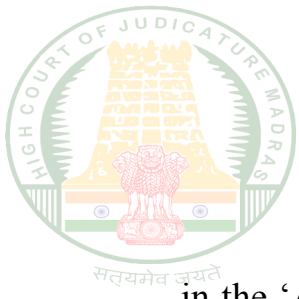


Crl.O.P.No.15897 of 2024
and Crl.M.P.No.9694 of 2024

WEB COPY

12.He further submitted that the First Bench of this Court in W.P.No.13783 of 2012 by order dated 21.10.2013 recorded the steps being taken for the defects committed during the re-survey. It is only to the limited extent of rectifying the same, restoring the land, Survey Number, extent as per the provisions of Tamil Nadu Survey and Boundaries Act, 1923 and nothing more. Hence, the investigation in the above case is proper and the contention of the petitioner and its genuineness can be considered only during investigation and for the above said reasons investigation cannot be scuttled and the offences are serious in nature. Hence, prayed for dismissing the petition.

13.Considering the submissions made and on perusal of the material, it is seen that during re-survey vast track of Government lands re-classified and hundreds and thousand acres of Reserved Forest, Forest lands and lands assigned for Malayali Scheduled Tribe people deleted and corrections made

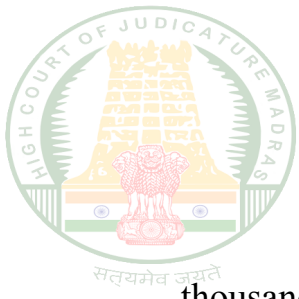


Crl.O.P.No.15897 of 2024
and Crl.M.P.No.9694 of 2024

WEB COPY

in the 'A' Register, Village account, Patta, Chitta and Adangal, which cannot be termed as an isolated mistake. The Kolli Hills is a Biodiversity place, which has to be protected. The correction, deletion, inclusion appears to facilitate powerful and mighty land sharks. It has taken several decades to rectify the mistakes and reclassify the land and its extent. Whether this re-survey was prior to the petitioner's period or during the petitioner's period or continued after the petitioner's period are matter for investigation and now F.I.R. registered, investigation is in progress. In view of the materials available to proceed with the investigation, this Court finds no reason to interfere and scuttle the investigation.

14.The Investigating Officer is directed to proceed with the investigation with required resources. Since F.I.R. registered on 09.12.2022 and for the past three years it appears that only 5 witnesses examined which shows the slackness in which investigation is progressing. It is seen that



Crl.O.P.No.15897 of 2024
and Crl.M.P.No.9694 of 2024

WEB COPY

thousands of vast track of Government lands, Reserved Forest area, Forest lands and assignment lands, were attempted to be re-classified and taken away from the Government records. 'A' Register, Chitta, Patta, Adangal all have been tampered with, which is not proper. The Government officials mainly the Survey and Revenue officials, who are duty bound to protect the Government lands, not only failed in their duty, and it is much more as could be seen from the registration of some of the lands in Doc.Nos.242/2018, 458/2018, 459/2018, 460/2018, 461/2018 and 462/2018 in Senthamangalam Sub Registrar Office. This needs a detailed and thorough investigation. If the investigation is permitted to continue in the present phase, it would take another decade to reach substantial investigation. In view of the same, the Deputy Superintendent of Police, Vigilance and Anti-Corruption, Namakkal to take up and proceed with the investigation without further delay. Considering the seriousness and the attempt to usurp the Government properties, it would be appropriate that the Superintendent of Police,



CrI.O.P.No.15897 of 2024
and CrI.M.P.No.9694 of 2024

WEB COPY

Vigilance and Anti-Corruption to monitor the investigation, ensure the investigation is completed without delay, preferably within a period of nine (9) months and to file final report in this case. It is made clear that this nine months period is only an outer limit.

15. With the above directions, this Criminal Original Petition is disposed of. Consequently, the connected Criminal Miscellaneous Petition is closed.

02.04.2025

Index : Yes / No

Internet : Yes/No

Speaking / Non-speaking order

rsi



WEB COPY



Crl.O.P.No.15897 of 2024
and Crl.M.P.No.9694 of 2024

M.NIRMAL KUMAR, J.

rsi

To

1.The Inspector of Police,
Vigilance and Anti-Corruption,
Namakkal, Namakkal District.

2.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.15897 of 2024
and
Crl.M.P.No.9694 of 2024

02.04.2025