



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-12-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

WP (CrI.) No. 1569 of 2025

1. A.Muraleedharun

Petitioner

Vs

1. The Superintendent of Police
Udhagamandalam, Nilgiris-643001.

2.The Inspector of Police
Kotagiri Police Station-1, Kotagiri-643217.

3.M/s. Gee Emm Tea Factory Pvt. Ltd
Rep by its Managing Director, Mr. Thatha
Gowder Gundan, Rob Roy Estates, Nilgiris,
Kotagiri-643217.

4.Thatha Gowder Gundan
Rep by its Managing Director, M/s Gee Emm
Tea Facoty Pvt Ltd, Rob Roy Estates, Nilgiris,
Kotagiri-643217.

5.Murli Kemchand
Director, M/s Gee Emm Tea Facoty Pvt Ltd,
Rob Boy Estates, Nilgiris, Kotagiri-643217.

6.K.B. Latha
Village Administrative Officer, Kotagiri, The
Nilgiris-643217.

7.Kani Sundaram
Village Administrative Officer, Kotagiri, The
Nilgiris-643217.



8. The Inspector,
District Crime Branch,
Nilgiris.

Respondents

(Suo motu impleaded
by the order of this court
dated 08.12.2025)

PRAYER

Writ Petition (Criminal) filed under Article 226 of Constitution of India, praying
to direct the 1st and 2nd respondents police to register FIR against respondents
R3 to R7 based on the Petitioner's complaint dated 05.09.2024.

For Petitioner: Mr.P.V.Balasubramaniam,
Senior Advocate
Asst. by Mr.S.Senthilkumar

For Respondents: Mr.S.Santhosh
Government Advocate (Criminal
Side)

ORDER

This Writ Petition is filed praying to direct the 1st and 2nd respondents
police to register an FIR against respondents R3 to R7 based on the petitioner's
complaint dated 05.09.2024.

2. The brief facts of the case of the petitioner are as hereunder:-

(a) The petitioner is the absolute owner of 152.36 acres of agricultural
lands situated at Kotagiri and Konakkarai Villages, the Nilgiris District. Prior to



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this purchase, the lands formed part of a larger estate of 287 acres originally owned by its vendor M/s.Spencer & Co.Ltd., which had been leased in 1987 for 999 years to M/s.Spencer Robroy Tea Estates Ltd. (now Kotagiri Robroy Tea Estates Pvt.Ltd. Over the years, the lessee company had unlawfully assigned portions of its leasehold rights to various third parties without consent. One such assignee namely N/s.Limtex (India) Ltd., was unlawfully assigned 1.20 acres comprised in Survey No.1304, Re-Survey Nos.2236/1, 2236/2 and 2236/3, which was later sub-assigned to M/s.Gee Emm Tea Factory Pvt.Ltd., through another Assignment Deed dated 28.04.2016.

(b) However, the petitioner subsequently discovered that the said company represented by Mr.Thatha Gowder Gundan, Managing Director and Mr.Murli Khemchand, Director had been fraudulently inserted as joint owner of his land measuring 29 hectares 8 ares in the government revenue records by issuance of a Patta dated 21.03.2018. This wrongful entry was made without any supporting document, enquiry or verification. Pursuant to information under Right to Information Act, 2005, the petitioner received a communication dated 22.07.2024 from the First Appellate Authority/Tahsildar, Kotagiri revealing that the company had applied for Patta transfer with blank documents, yet the Village Administrative Officer of Kotagiri, Mrs.K.B.Latha recommended the transfer on the same day. The Zonal Deputy Tahsildar of Kotagiri,



Mr.Kanisundaram immediately issued patta showing the company as joint owner of the petitioner's property. This confirmed tampering, fabrication and manipulation of public records by the said company in collusion with public officials.

(c) The above acts constitute cognizable offences including forgery, fabrication of public records, criminal conspiracy and abuse of official position. The conduct of the officials concerned amounts to bribery and criminal misconduct punishable under Sections 7 and 13 of the Prevention of Corruption Act, 1988 and their actions in falsifying and forging public revenue records fall under Sections 335 and 338 read with Section 61(2) of the Bharatiya Nyaya Sanhita, 2023. The representatives of the company who acted jointly with the said officials, are together liable under the said provisions.

(d) Upon discovering the fraud, the Petitioner lodged a detailed complaint on 05.09.2024 with the 1st respondent, enclosing all supporting documents. The complaint was acknowledged and forwarded on the same day to the Deputy Superintendent of Police, Coonoor, who instructed the petitioner to approach the 2nd respondent. The petitioner thereafter appeared before the 2nd respondent at Kotagiri Police Station on 23.09.2024, where he was informed that the matter involved a high value property dispute and should be handled by the District



Crime Branch. However, despite this acknowledgment, no FIR was registered.

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(e) The petitioner subsequently met the Deputy Superintendent of Police, District Crime Branch on 04.10.2024 and submitted another complete set of documents and was again directed back to the Kotagiri Police Station, where, the Sub-Inspector conducted an enquiry and asked the petitioner to furnish additional documents, which were promptly sent through courier on 18.02.2205 and by email on 26.02.2205. Despite repeated visits, follow-up attempts, and full cooperation, no action was taken. As there was still no response, the petitioner sent a further representation dated 19.10.2025 to the 2nd respondent requesting registration of an FIR and a CSR acknowledgment for his original complaint. Even this representation remained unanswered.

3. Alleging that despite a case of cognizable nature being made out, the respondents 1 and 2 have failed to register a case, the petitioner has filed the present Writ Petition for Mandamus.

4. Mr.P.V.Balasubramaniam, learned Senior Counsel appearing for the petitioner would submit that the petitioner has given a complaint on 05.09.2024. Despite the allegations having made out a case of cognizable nature, the 2nd respondent has not registered the complaint. Subsequently, the petitioner has



also met the higher officials and also furnished additional documents which were required by them. Despite the same, the respondents 1 and 2 have not taken any action.

5. Mr.S.Santhosh, learned Government Advocate (Criminal Side) would submit that the prayer in the petition is seeking to register an FIR and such a prayer cannot be maintained in a writ of mandamus.

6. In reply, Mr.P.V.Balasubramaniam, learned Senior Counsel appearing for the petitioner would submit that when a cognizable offence is made out, the respondents 1 and 2 are duty bound to register an FIR and enquire into the matter.

7. Mr.S.Santhosh, learned Government Advocate (Criminal Side) would submit that the complaint of the petitioner was originally enquired by the 2nd respondent in Current Paper No.440 of 2024 and it has now been transferred to the file of the Inspector, District Crime Branch, Nilgiris.

8. Heard and perused the materials on record.

9. On perusal of records and in view of the submissions made by the learned Senior Counsel appearing for the petitioner, this Court finds that a



preliminary enquiry ought to have been conducted on the complaint of the petitioner dated 05.09.2024. However, in view of the submissions made by the learned Government Advocate (Criminal Side), that the case has been transferred to the file of the Inspector, District Crime Branch, this Court, suo motu impleads the Inspector, District Crime Branch, Nilgiris, as a necessary party in this criminal original petition.

10. The impleaded respondent viz., Inspector, District Crime Branch, The Nilgiris, shall conduct a preliminary enquiry based on the complaint of the petitioner dated 05.09.2024 sent to the 1st respondent which is now being handled by him and register a case, if cognizable offences are made out therein. The impleaded respondent shall then proceed with the investigation in accordance with law and file a final report before the jurisdictional Magistrate at the earliest preferably within a period of four weeks.

11. This Writ Petition (Criminal) is disposed of with the above direction.

08-12-2025

nvsri

Neutral Citation: Yes/No



A.D.JAGADISH CHANDIRA J.

nvsri

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To

- 1.The Superintendent of Police
Udhagamandalam, Nilgiris-643001.
- 2.The Inspector of Police
Kotagiri Police Station-1,
Kotagiri-643217.
- 3.The Inspector, District Crime Branch, Nilgiris.
- 4.The Public Prosecutor, High Court, Madras.

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