

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.Nos.27821 & 27822 of 2015

Dr.S.Nallathambi
President, Palladam Rotary
Electric Crematorium Trust

... Petitioner in
both O.Ps.

Vs

1.The Superintendent of Police,
Office of the Superintendent of Police,
Tiruppur District,
Tiruppur.

2. The Deputy Superintendent of Police,
Palladam Range, Palladam,
Tiruppur District.

3. The Inspector of Police (L & O),
Palladam Police Station,
Palladam, Tiruppur District.

.... Respondents in
both O.Ps.

Prayer in Crl.O.P.No.27821 of 2015 : This Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondents to give police protection to the petitioner and members of the Palladam Rotary Electric Crematorium Trust whenever they visit the proposed site at S.F.No.385/3 in Panikkampatti Village in the Palladam Taluk, Tiruppur District allotted to the Trust by the District Collector Tiruppur vide., proceedings in Na.Ka.No.2856/2015/A5, dated 27.10.2015.

Prayer in Crl.O.P.No.27822 of 2015 : This Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondents to register a criminal case against the said person based on the complaint dated 04.11.2015 preferred by the

Petitioner and to take action against the said person in accordance with law.

For Petitioner in
both O.Ps.

: Mr.M.Purushothaman

For Respondents
in both O.Ps.

: Mr.C.Emalias
Additional Public Prosecutor

C O M M O N O R D E R

These present criminal original petitions have been filed seeking direction to the respondents to give police protection to the petitioner and members of the Palladam Rotary Electric Crematorium Trust whenever they visit the proposed site at S.F.No.385/3 in Panikkampatti Village in Palladam Taluk Tiruppur District allotted to the Trust by the Collector, Tiruppur vide proceedings in Na.Ka.No.2856/2015/A5, dated 27.10.2015 and to direct the respondents to register a criminal case against the said person based on the complaint dated 04.11.2015 preferred by the petitioner and to take action against the said person in accordance with law.

2. Since the issue involved in both the Criminal Original Petitions are interlinked with each other, both the Criminal Original Petitions are disposed of by way of Common Order.

3. The petitioner is the President of Palladam Rotary Electric Crematorium Trust having office at Door No.16/153, Rajeshwari Nursing Home Complex, N.G.R. Road, Palladam - 641 664; Tiruppur District. The Trust was constituted in the year 2008 for the purpose of constructing and operating an Electric Crematorium in Palladam Union to cater the need of lakhs and lakhs of people. And the Trust has undertaken to construct the Electric Crematorium by using about Rs.3 crores of its own funds. After a long protracted struggle of the civil bodies and public of the Palladam area including the Palladam Municipality, Member of Parliament, Councilors, M.L.As. and large number of political parties and in pursuance to the orders of this court, the Tiruppur District Collector had allotted 2 acres of land in S.F.No.385/3 in Panikkampatti Village in the Palladam Taluk vide., his proceedings in Na.Ka.No.2856/2015/A5, dated 27.10.2015. On 15.10.2015, when the petitioner along with other members of the Trust went to the proposed site to conduct

survey, they were way laid by 1. Manohar, 2. Eswaramoorthy, 3. Muthukumar, 4. Palanichamy and about 10 unidentified persons and threatened with unparliamentary words saying that they would burn the petitioners and others along with their car. Hence the petitioner gave a detailed complaint to the respondents on 04.11.2015 in person as well as through post. But the respondents have not taken any action on the complaint till date. In the meantime, on 24.11.2015, the "Bhoomi Pooja" for the proposed Electric Crematorium is slated. At that time, the District Collector, Ministers, M.L.A. and important functionaries are expected to participate in the said function. In this regard, on 18.11.2015, the petitioner along with other members of the Trust have to inspect the land. Hence, the present criminal original petitions have been filed seeking direction to the respondents to register the complaint of the petitioner and to give police protection to the petitioner and the members of the Trust whenever they visit the proposed site.

4. I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

5. In view of the submissions made on either side, this Court directs the third respondent to conduct enquiry on the complaint lodged by the petitioner and upon enquiry, if materials are gathered indicating commission of any cognizable offence, he is directed to proceed further in this matter, in accordance with law. So far as police protection is concerned, the third respondent is directed to pass an appropriate order by considering the complaint given by the petitioner, by offering personal hearing to the petitioner.

6. These criminal original petitions are disposed of accordingly.

Sd/-

Assistant Registrar (CS-II)

True Copy

Sub Assistant Registrar

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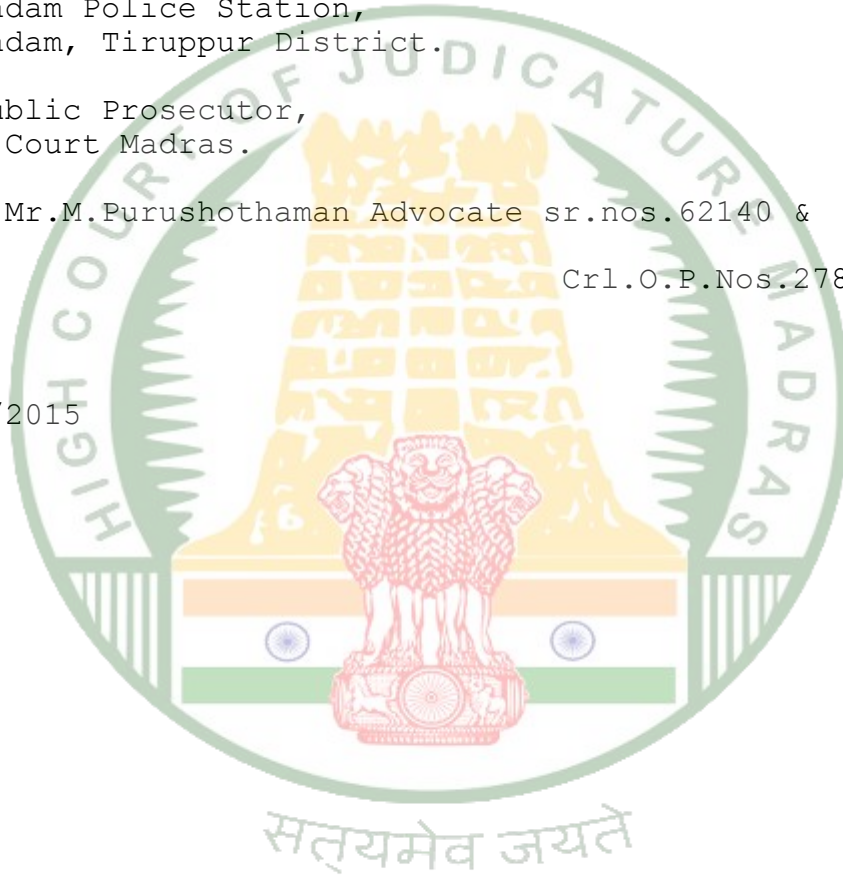
To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Tiruppur District,
Tiruppur.
2. The Deputy Superintendent of Police,
Palladam Range, Palladam,
Tiruppur District.
3. The Inspector of Police,
Palladam Police Station,
Palladam, Tiruppur District.
4. The Public Prosecutor,
High Court Madras.

+4 ccs to Mr.M.Purushothaman Advocate sr.nos.62140 &
62141

CrI.O.P.Nos.27821 & 27822
of 2015

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srg 17/11/2015



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