

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.29018 of 2015

N.P.S. Pandian

... Petitioner

Vs

1. The Superintendent of Police,  
Salem.
  2. The Inspector of Police,  
Yercaud Police Station,  
Salem District.
- ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondents to take into consideration the complaint of the petitioner dated 17.07.2015 and register the case on the basis of the said complaint against the encroachers in accordance with law.

For Petitioner: Mr.S.Sridhar

For Respondent: Mr.C.Emalias,  
Addl. Public Prosecutor

O R D E R

The present Criminal Original Petition has been filed seeking a direction to the respondents to take into consideration the petitioner's complaint dated 17.07.2015 and register the case on the basis of the said complaint against the encroachers in accordance with law.

2. In the affidavit filed by the petitioner, it is stated that he is owning agricultural lands comprised in Survey Nos.36/1A, 1C, 9B and 47/1B, 2A, 2B at Pattipadi Village, Yercaud, Salem District and he has also constructed a Farm House in the said lands. The lands comprised in Survey Nos.48 and 49 are poramboke lands absolutely owned by the Government.

3. According to the petitioner, on 15.07.2015, at 10.00 a.m., one Vellaiyan, Rajendran, Kanthayee, Chinnavan, Vijaya, Vellaiammal @ Kuzhandaiyammal and Senthilkumar along with their

men abused the petitioner in a vulgar language and while cultivation work was going on in his lands, they physically obstructed the petitioner and his men, land owners and the other Villagers, from using the common passage by putting up barbed wire fence over the said poramboke land, more particularly the common passage and prevented the petitioner and his men from using the said common passage and also threatened them with dire consequences. Unable to resist the said attack, the petitioner and other Villagers gave a complaint to the respondents on 17.07.2015. Since no action was taken on the said complaint, having no other alternative, the petitioner has come up with the present Criminal Original Petition.

4. Heard the learned counsel for the petitioner as also the learned Additional Public Prosecutor for the respondents.

5. Learned Additional Public Prosecutor would submit that the matter is purely civil in nature. He would also submit that the petitioner's complaint was sent through post.

6. Considering the submissions made on either side, as the complaint is pending with the respondent police, this Court is of the opinion that it is appropriate to direct the respondents to conduct an enquiry on the petitioner's complaint dated 17.07.2015, if enquiry is not conducted so far, and upon enquiry, if any cognizable offence is made out, he is directed to proceed further in accordance with law, as early as possible. On the other hand, if the respondents come to the conclusion that the matter is purely civil in nature, they are directed to pass appropriate orders. The petitioner is directed to send a fresh complaint along with a copy of this order to the respondent police.

This Criminal Original Petition is disposed of with the above direction.

Sd/- सत्यमेव जयते  
Assistant Registrar

True Copy

Sub Assistant Registrar

To :

1. The Superintendent of Police,  
Kancheepuram District, Kancheepuram.

2. The Inspector of Police,  
H-3, Maraimalai Nagar Police Station,  
Kancheepuram District.
3. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.Sridhar, Advocate sr.66036

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srg 29/12/2015



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