

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.39934 of 2015
and M.P.No.1 of 2015

1. N.Seralathan
2. S.Viswanathan ... Petitioners

Vs

1. The Deputy Inspector General of Police,
Villupuram Range,
Villupuram.
2. The Superintendent of Police,
Cuddalore, Cuddalore District.
3. The Deputy Superintendent of Police,
Cuddalore, Cuddalore District.
4. The Inspector of Police,
Cuddalore(O.T.) Police Station,
Cuddalore.
5. M.Ganesan ... Respondents

Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 4 to consider the petitioner's complaint dated 16.09.2015 and take immediate legal action in accordance with law against the 5th respondent and consequently provide police protection to the petitioner and his property on payment of necessary charges..

For Petitioner : Mr.Dr.G.Krishnamurthy
For respondents : Mr.P.Sanjay Gandhi,
Addl.Government Pleader.
for R1 to R4

O R D E R

The present petition has been filed to issue a Writ of Mandamus directing the respondents 1 to 4 to consider the petitioner's complaint dated 16.09.2015 and take immediate legal

action in accordance with law against the 5th respondent and consequently provide police protection to the petitioner and his property.

2. The petitioner was appointed as a power of attorney for looking after the agriculture land situated within the Municipal limits of Cuddalore in Cuddalore Port Village & Thirupapuliur in Ward No.3, Block Nos. 62,63, 40, 26 & 65 to an extent of 20 acres and 80 cents in various survey numbers by his principals, viz., one Viswanathan and Seralathan and the said Power of Attorney was registered before the Joint Sub Registrar No.2, Cuddalore in Document Nos.2824/2015 and 2825/2015. Pursuant to the said power of attorney, the petitioner is maintaining the property of his principals. While so, the Cuddalore Municipal Councilor, trespassed into the property of the petitioner along with his supporters and threatened the petitioner questioning as to how he can purchase the property when he was dealing with the purchase of the said property for his own and that he should obtain prior permission from him before purchasing the property and also he abused the petitioner with filthy language and not allowed the coolie workers to work in the field. Hence, the petitioner stopped the entire agriculture work and nobody is ready to work in the field of the petitioner in view of the serious threat made by the 5th respondent. Hence, the petitioner lodged a complaint with the 4th respondent on 15.9.2015 but no action was taken. Again, the petitioner sent a complaint to respondents 1 to 4 and the 4th respondent called the petitioner to appear for enquiry on 23.09.2015. The petitioner appeared before the 4th respondent on 23.09.2015 and the 5th respondent was also present. The Inspector of police allowed the 5th respondent to sit in the seat provided in the police station and not allowed the petitioner to sit. During the course of enquiry, the 5th respondent stated before the 4th respondent that he had intention to purchase the property and while he was negotiating with the owners of the property, the petitioner had purchased the property. Thereafter, no progress was made in the complaint. In spite of the complaint, the 5th respondent is frequently creating problem to the petitioner. Hence, the petitioner has come forward with the present petition.

3. Learned Additional Government Pleader denies the allegation made by the petitioner and submitted that the matter is pending enquiry before the 4th respondent.

4. In view of the submission made on either side, this Court directs the 4th respondent to complete the enquiry on the complaint lodged by the petitioner and upon enquiry, if the materials are gathered indicating commission of any cognizable offence, the respondent police, is directed to proceed further in accordance with law. With regard to the prayer of police protection is concerned, the petitioner is directed to give a

fresh representation along with a copy of this order to the 4th respondent . On receipt of the same, the 4th respondent is directed to consider the same after affording personal hearing to the petitioner as well as the necessary parties concerned and pass appropriate orders as early as possible. The writ petition is disposed of accordingly. Consequently, M.P.No.1 of 2015 is closed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Deputy Inspector General of Police,
Villupuram Range,
Villupuram.
2. The Superintendent of Police,
Cuddalore, Cuddalore District.
3. The Deputy Superintendent of Police,
Cuddalore, Cuddalore District.
4. The Inspector of Police,
Cuddalore(O.T.) Police Station,
Cuddalore.

+1cc to Mr.V.Jaisankar, Advocate, S.R.No.69304
+1cc to the Government Pleader, S.R.No.69672

सत्यमेव जयते

W.P.No.39934 of 2015

ev(CO)
srg(20/01/2016)

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