

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2016

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. Nos.21594 and 21596 of 2016

T. Mohana ...Petitioner in Crl.OP.21594 of 2016

K. Logammal ...Petitioner in Crl.OP.21596 of 2016

Vs.

1. The District Collector
Sathuvachari
Vellore District - 9
2. The Revenue Divisional Officer
Ranipet
Vellore District
3. The District Superintendent of Police
Sathuvachari
Vellore District - 9
4. The Sub-Inspector of Police
Law & Order
Thakkolam
Vellore District ...Respondents in both the Crl.OPs

Criminal Original Petitions filed under Section 482, Cr.P.C. seeking to direct the respondents 3 and 4 to provide necessary police protection to the petitioner's land from being interfered with by the second respondent without adhering to the procedure in law under the Tamil Nadu Land Encroachment Act, 1905, as per the requisition made by the petitioners on 09.09.2016.

For petitioners : Mrs. G. Thilakavathi
in both Crl.O.Ps.

For respondents in : Mr. C. Emalias
both Crl.O.Ps. Additional Public Prosecutor

COMMON ORDER

These Criminal Original Petitions have been filed seeking to direct the respondents 3 and 4 to provide necessary police protection to the petitioners' lands from being interfered with by the second respondent without adhering to the procedure in law under the Tamil Nadu Land Encroachment Act, 1905, as per the requisition made by the petitioners on 09.09.2016.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the State.

3. It is seen that, on the order dated 29.02.2016 passed by the District Collector, Vellore, proceedings under the Tamil Nadu Land Encroachment Act, 1905 are likely to be initiated against the petitioners.

4. The learned counsel for the petitioners submitted that the petitioners have challenged the order dated 29.02.2016 passed by the District Collector, before the Commissioner of Land Administration, Chennai and in the interregnum, the revenue authorities, with the help of the policemen are trying to evict the petitioners. Therefore, they are seeking protection against such illegal eviction u/s 482 Cr.P.C.

5. In the considered opinion of this Court, a petition u/s 482 Cr.P.C. is not maintainable, because the action is taken not under the Code, but under statute outside the Code. The inherent power of the High Court u/s 482 Cr.P.C. is reserved for the purpose of securing the ends of justice with regard to the proceedings of judicial nature that is pending in a Court subordinate to the High Court, as held by a Division Bench of this Court in K.Rajamanickam and others v. State of Tamil Nadu, Inspector General and Superintendent, Central Prison [2015 (3) MWN (CrL.) 379 (DB) and confirmed by the Supreme Court in State of West Bengal and others v. Sujit Kumar Rana [(2004) 4 SCC 129].

Under such circumstances, these petitions are dismissed with liberty to the petitioners to approach the authorities with the grievance.

Sd/-
Assistant Registrar(CS VI)

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Sub Assistant Registrar

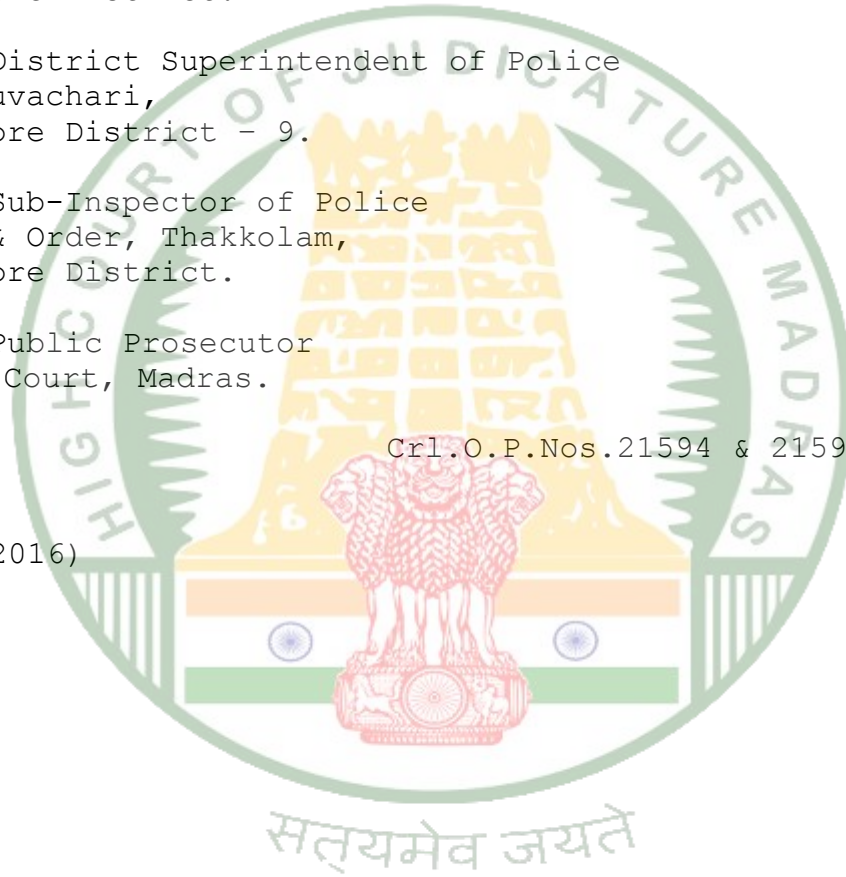
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To

1. The District Collector
Sathuvachari,
Vellore District - 9
2. The Revenue Divisional Officer
Ranipet,
Vellore District.
3. The District Superintendent of Police
Sathuvachari,
Vellore District - 9.
4. The Sub-Inspector of Police
Law & Order, Thakkolam,
Vellore District.
5. The Public Prosecutor
High Court, Madras.

CrI.O.P.Nos.21594 & 21596 of 2016

VSN(CO)
CA(26/10/2016)



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