

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.Nos.21173 and 21174 of 2017

E.J.Coelho

.. Petitioner in both Crl.O.Ps.

Vs.

1.The Inspector of Police
Gudalur Police Station
Gudalur Post
Nilgiri District.

2.The Superintendent of Police
Nilgiris Circle
Nilgiris District.

3.Director General of Police
DGP Office
No.1, Dr.Radhakrishnan Salai
Mylapore, Chennai 600 004.
in both Crl.OPs.

.. Respondents

Crl.O.P.No.21173/2017 filed under Section 482 of the Code of Criminal Procedure to direct the respondents to consider the complaints dated 02.09.2017, 05.09.2017, 10.09.2017, 13.09.2017, 14.09.2017, 22.09.2017 and 25.09.2017 and provide police protection to the petitioner and his property comprised in S.No.13/1B, New S.No.938, Gudalur Village, Nilgiris District.

Crl.O.P.No.21174/2017 filed under Section 482 of the Code of Criminal Procedure to direct the first respondent to register an FIR based on the complaints of the petitioner dated 02.09.2017, 05.09.2017, 10.09.2017, 13.09.2017, 14.09.2017, 22.09.2017 and 25.09.2017 and investigate the same and take action against all the accused and file a final report before a competent Court.

For Petitioner : Mr.Richardson Wilson

For Respondents: Mr.K.Mathan
Government Advocate, (Crl. Side)

C O M M O N O R D E R

Today Mr.M.Ananth, Sub-Inspector of Police, Gudalur Police Station, The Nilgiris, is present.

2. On a reading of the complaint dated 02.09.2017 given by the Manager of Silver Cloud Estates, Gudalur, it is seen that on 02.09.2017, the named persons and others unnamed, along with four named advocates, have trespassed into the estate of the complainant and they have damaged the standing crop.

3. On instructions, learned Government Advocate (CrI.S ide) submitted that there is a temple located inside the Estate of the complainant and that the local people had entered the Estate for the purpose of worshipping. Further, learned Government Advocate submitted that the police are in touch with the revenue authorities in order to find out the classification of the land in question.

4. It is seen that the petitioner has not been given the patta for the land, since the matter relates to Janmam lands and patta proceedings are pending on the file of the Settlement Officer.

5. Be that as it may, the police shall ensure that there is no further law and order problem in that area and status quo is maintained by providing adequate security, so that the character of the land is not changed by either party. Even if the petitioner does not have a patta, they cannot be illegally dispossessed by advocates.

6. Learned Government Advocate further submitted that a law and order problem arose on 08.09.2017, on account of which, Section 107 Cr.P.C. proceedings have been initiated by the police by registration of a case in Cr.No.1017 of 2017 arraying the petitioners as "A" party and Gangadharan and others as "B" party and the matter has been referred to the Revenue Divisional Officer for resolution.

7. In such view of the matter, the police shall see to that sufficient pickets are posted in that area and status quo is maintained, so that no further untoward incident takes place until the issue is resolved either under Section 107 Cr.P.C. proceedings or before the competent civil Court. If anyone, including Advocates, attempt to take possession of the complainant's estate in the guise of enforcing religious rights or otherwise, the police shall take appropriate action including registration of criminal case.

With the above direction, these petitions are closed.

Sd/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

gms
To

1.The Inspector of Police
Gudalur Police Station
Gudalur Post
Nilgiri District.

2.The Superintendent of Police
Nilgiris Circle
Nilgiris District.

3.Director General of Police
DGP Office
No.1, Dr.Radhakrishnan Salai
Mylapore, Chennai 600 004.

4. The Public Prosecutor, High Court, Madras.

+ 1 cc to M/s. Richardson Wilson, Advocate SR.78738

CrI.O.P.Nos.21173 and 21174 of 2017

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EU(28/11/2017)

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