

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2019
CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.22051 of 2019

M/s.Katpadi Co-operative Township
Limited, C.1538,
Rep. by its Secretary
K.Manoharan
Gandhi Nagar,
Vellore-632 006.

... Petitioner

Vs.

1. The Superintendent of Police,
Vellore District,
Vellore.
2. The Inspector of Police,
Vidudampet Police Station,
Vellore District.
3. The Tahsildar
Katpadi Taluk
Vellore District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, praying to direct the 1st and 2nd respondents to provide police protection to the 3rd respondent to measure and demarcate land measuring an extent of 92 cents comprised in S.No.136/1A in Kangeyanallur Village, Katpadi Taluk, Vellore District and thereafter to remove the idol installed on 12.08.2019 in the mentioned land.

For Petitioner: Mr.V.Karthick, Senior Counsel
For C.Gunasekaran

For Respondents: Mr.C.Raghavan
Government Advocate (Crl.Side)
For R1 and R2

O R D E R

This petition has been filed for a direction to the respondent police to provide police protection to the 3rd respondent to measure and demarcate the property.

2. The case of the petitioner is that the petitioner Co-operative Society is the owner of the property measuring an extent of 92 cents comprised in Survey No.136/1A at Kangeyanallur Village, Vellore District. The property was allotted in favour of the petitioner society in the year 1948 by virtue of G.O. Ms. No.4503. This property was allotted in order to undertake a scheme of Town Extension and providing houses for the residents of Vellore Town.

3. The Government of Tamil Nadu issued a notification in G.O Ms. No.204 dated 16.11.1995 under the Land Acquisition Act to acquire an extent of 92 cents belonging to the petitioner society for the purpose of construction of a Memorial. Objections were called for from all the parties. Subsequently, the proceedings were dropped in the year 1999 by notification dated 10.01.1999 and the property was again handed over to the petitioner society.

4. The grievance of the petitioner is that a Committee calling itself as Shiva - Vishnu Temple Trust is trying to grab the land from the society. In this regard, the society had also given a complaint to the second respondent and an FIR was also registered in Crime No.362 of 2019 and the same is pending investigation. In the mean time, a group of persons claiming themselves to belong to the above said Trust, attempted to put up a board in the property and had also installed up an idol.

5. The petitioner society, therefore, preferred another complaint on 16.07.2019 and based on the same, an enquiry under Section 107 of Cr.P.C was initiated by the R.D.O, Vellore.

6. In the mean time, the Joint Registrar, (Housing) has written a letter to the second respondent police requesting to provide police protection to the society to erect a fence around the property.

7. The petitioner society has made a representation to the third respondent who is the Tahsildar, Katpadi Taluk to measure and demarcate the property in accordance with the allotment that was made in favour of the petitioner in the year 1948. The petitioner society is not able to carry forward with the measurement of the land, since some persons are attempting to stop the said process and steps are being taken to grab the property. Left with no other option, the present petition has been filed before this Court seeking for police protection.

8. Mr.V.Karthik, the learned Senior Counsel appearing on behalf of the petitioner submitted that some scrupulous elements, with a view to grab the property, have gone to the extent of installing an idol on 12.08.2019 only with an

intention to create an unrest and ensure that the petitioner society does not proceed further to demarcate the property with the help of revenue authorities. The learned Senior Counsel further submitted that the land grabbers have adopted this illegal means only with a view to grab the property which is now worth nearly Rs.17 Crores. The learned Senior Counsel concluded his arguments by submitting that the third respondent will be able to measure and demarcate the property only if sufficient police protection is given by the second respondent.

9. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that already a representation has been received in this regard from the Joint Registrar (Housing), Vellore and a representation has also been received from the petitioner society and action will be taken in accordance with law.

10. This Court has carefully considered the submissions made on either side and also the materials available on record.

11. It is clear from the records that the property was allotted in favour of the petitioner society by virtue of G.O Ms. No.4503 dated 02.10.1948. It is also clear from the records that the Government of Tamil Nadu took steps to acquire the property in the year 1995 for the purpose of constructing a Memorial and ultimately, the acquisition proceedings were dropped in the year 1999 and the property was also handed over to the petitioner society.

12. The letter written by the Joint Registrar (Housing), Vellore dated 15.03.2019 clearly shows that sanction was given to the petitioner society to lay boundary stones and to fence the property. Subsequently, a letter was also given to the respondent police to give police protection to the petitioner society to fence the property.

13. All the above documents clearly establishes the fact that the petitioner society has been enjoying the property from the year 1948 onwards and it has a valid title over the property.

14. In view of the above, no one can be permitted to interfere with the possession and enjoyment of the property and no one can be permitted to prevent the petitioner society from fencing the property, in order to safeguard the property from encroachments. Just because, an idol is kept inside the property that does not give any sanctity for an illegal encroachment that is being attempted to be made by some unscrupulous elements.

15. In the result, there shall be a direction to the second respondent to provide police protection to the third respondent at the time of measuring and demarcating the property and putting up a fence around the property belonging to the society. If any idol has been installed illegally inside the property, the same shall be removed by the respondent police. If any one attempts to create any problem at the time of measuring and demarcation of the property by the third respondent, action shall be taken against them in accordance with law. The second respondent shall ensure that sufficient police protection is given to enable the petitioner society to fence the property.

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

s/d-

Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

To

- 1.The Superintendent of Police,
Vellore District,
Vellore.
2. The Inspector of Police,
Vidudampet Police Station,
Vellore District.
3. The Tahsildar
Katpadi Taluk
Vellore District.

Copy to

The Public Prosecutor,
High Court, Madras.

+4 Ccs to Mr.C.Gunasekaran, Advocate sr 69464.

Cr1.O.P.No.22051 of 2019

VGI (CO)
SP(16/08/2019)