



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2019

WEB COPY

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Crl.O.P.(MD)No.6345 of 2019

P.Vellaikutty ... Petitioner

/Vs./

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District, Madurai.
- 2.The Sub-Inspector of Police,
Meelavalavu Police Station, Melur Taluk,
Madurai District.
- 3.The Assistant Engineer,
TamilNadu Generation and Distribution Corporation Ltd.,
Alagarkovil, Melur Sub Division,
Madurai East Division, Madurai.

4.Periachellan

5.P.Nachammal

... Respondents

Prayer: Petition - filed under Section 482 of the Criminal Procedure Code, to direct the respondents 1 & 2 herein to provide adequate police protection to the petitioner for providing electricity service connection to the petitioner in the House premises comprised in S.No.263/5 situated at Kidaripatti Village, Melur Taluk, Madurai District, within the time stipulated by this Court.

For Petitioner

: Mr.C.Gangai Amaran

For R-1 & R-2

: Mr.V.Neelkandan

Additional Public Prosecutor

ORDER

This petition is filed to direct the respondents 1 & 2 herein to provide adequate police protection to the petitioner for providing electricity service connection to the petitioner in the House premises comprised in S.No.263/5 situated at Kidaripatti Village, Melur Taluk, Madurai District.

2. Heard the learned counsel appearing for the petitioner and

the learned Additional Public Prosecutor.

3. The learned counsel appearing for the petitioner submitted that the petitioner faces threat to his right over a property in S.No.263/5 situated at Kidaripatti Village, Melur Taluk, Madurai District. He also seeks protection to his house property.

4. The learned Additional Public Prosecutor submitted that the complaint preferred by the petitioner is pending.

5. The learned counsel appearing for the petitioner submitted that the dispute is all about drawing electricity line for a common pathway to the house of the petitioner.

6. Suffice to say for the present that in the Electricity Act, TANGEDCO has the power to draw electricity line including on private property.

7. If the petitioner faces threat to his right to property, he is entitled to right of self defence, however, inasmuch as he has now approached the police and preferred a complaint, the second respondent is directed to cause such necessary enquiry on the complaint filed by the petitioner. If in the course of enquiry, the Investigating Officer finds that there is a major dispute as to the title over the property concerned, he shall step aside paving way for the parties to resolve the dispute through the Civil Court. Otherwise, he shall take such appropriate decision as may be necessary to protect the life, limb and liberty of the petitioner. It is made clear that this Court does not order granting of police protection 24 x 7 and the second respondent is left to decide on the basis of the objective assessment of the threat perception of the petitioner from time to time.

8. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District, Madurai.



2.The Sub-Inspector of Police,
Meelavalavu Police Station, Melur Taluk,
Madurai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.GANGAI AMARAN, Advocate (SR-64407[F] dated
30/04/2019)

SM

Cr1.O.P.(MD)No.6345 of 2019
29.04.2019

__KM/ (30.05.2019) 3P 5C