



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 29.04.2019
Delivered on : 30.07.2019
CORAM

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THE HONOURABLE MR.JUSTICE B.PUGALENDHI

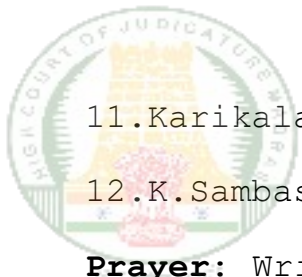
WP(MD)No.16975 of 2015

B.Nagarajan,
Project Manager,
Madhucon Projects Limited,
Concessionaries of the National Highways
Authority of India,
Ministry of Road Transport and Highways Government of India,

... Petitioner

Vs.

- 1.The Inspector General of Police,
Central Zone,
Subramaniapuram,
Trichy - 620020.
- 2.The Superintendent of Police,
Tanjore.
- 3.The Deputy Superintendent of Police,
Tanjore Rural (Valangaiman Police Jurisdiction),
Papanasam, Tanjore.
- 4.The Inspector of Police,
Valangaiman Police Station,
Valangaiman,
(Tanjore Rural) Taluk,
Tanjore.
- 5.S.Senthamilselvan
- 6.K.Jeyaraman
- 7.R.Selvakumar
- 8.S.Duraiaraj
- 9.V.Sivakumar
- 10.K.Marimuthu



11.Karikalan

12.K.Sambasivam

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the 1st, 2nd and 3rd respondents to consider the representation of the petitioner dated 11.09.2015 and direct the 4th respondent to immediately give Police Protection and bandhobust to the petitioner and the petitioner's land and the petitioner's workers, who are working in the petitioner's administrative building constructions and the land situated at No.101, 317 Manikkamangalam and Aravathur Village, Valangaiman Taluk, Tanjore District and their office buildings situated at 77, Sudarameena Nagar, Nagai road, Mariamman koil Tanjore - 613501.

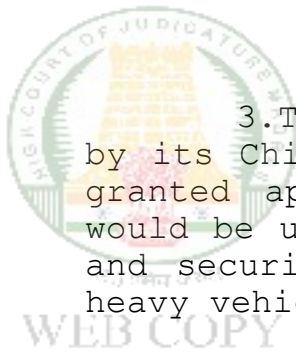
For Petitioner : Dr.R.Rajagopal

For Respondent : Mr.R.Anandharaj,
Additional Public Prosecutor
R1 to R4
: Mr.AN.Ramanathan,
R7, R8 and R10
: Mr.A.Arunprasad,
R5, R6 and R12

ORDER

The petitioner is the Project Manager of a private limited company, which was appointed as concessionaries of National Highways Authority of India, for forming Nagapattinam to Tanjore Road Project in NH-67, on a global tender. The contract commenced from 08.04.2015 and as per the contract, the construction has to be completed within a period of 30 months as stipulated by the Ministry of Road Transport and Highways, Government of India, otherwise, the Government of India would impose fine if there is any delay in completing the project. The lands required for the project have been acquired by the Government of India, as per NHAI Act and the land owners were also provided with compensation and the paper publication under Section 3D was also effected, as such the property required for the project is vested with the Government of India.

2.For the purpose of execution, as per NHAI norms for establishing administrative buildings, the concessionaries identified the land in the central part of Tanjore - Nagapattinam road at Aravathur, Manikkamangalam village, Valangaiman Taluk, Tanjore District and they have also purchased around 29 acres from the land owner namely, one Saratha and Revathi Ramachandran.



3.The land was also inspected by the NHAI authorities headed by its Chief General Manager and Project Director of NHAI and they granted approval on 21.08.2015. The said Administrative building would be used for office administration, staff, employee, labourers and security residence and also for vehicle parking including the heavy vehicles and mixing plants.

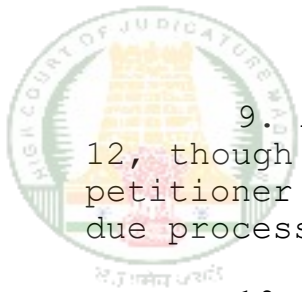
4.While so, 5th respondent has objected to the establishment of the building activities and caused damages to the properties and also attacked the petitioner's staff on 02.09.2015 and on 04.09.2015 and for which, separate complaints have been lodged by the petitioner and 4th respondent namely, the Inspector of Police has failed to act upon it and therefore, this writ petition is filed praying for a mandamus directing the respondents 1 to 4 to give necessary police protection and bandhobust to the petitioner's office, staff and labourers and day to day activities of the project.

5.According to the petitioner, the labourers of the petitioner company have been assaulted on 04.09.2015, 07.09.2015, 12.09.2015 and 13.09.2015 and the properties around Rs.50,000/- were damaged and heavy vehicle's batteries worth about Rs.50,000/- were stolen. Since the 4th respondent has not acted upon the complaints, the petitioner was constrained to approach this Court by filing CrIOP(MD)No.20801 of 2015 and this Court by order dated 30.10.2015, directed the respondent police to take the complaint on file and register FIR against the accused for the illegal and unlawful activities.

6.In this case, notice was ordered to the respondents and the respondent Nos.5, 6 and 12 have entered appearance through Mr.Arunprasad, learned Counsel and respondent Nos.7, 8 and 10 have entered appearance through Mr.AN.Ramanathan, learned Counsel.

7.Heard Mr.Dr.R.Rajagopal, learned Counsel appearing for the petitioner and Mr.R.Anandharaj, learned Additional Public Prosecutor appearing for the State, Mr.Arunprasad, learned Counsel appearing for the respondents 5, 6 and 12 and Mr.AN.Ramanathan, learned Counsel appearing for the respondents 7, 8 and 10.

8.The learned Counsel for the respondents would submit that respondent No.12 and two others were the cultivating tenants of the properties, which were purchased by the petitioner company. At the instance of the respondent No. 12, the Sub Court, Mannarkudi, in IA No.290 of 2015 in OS No.300 of 2015, on 09.09.2015, granted an order of interim injunction till 16.07.2015 and periodically, the said interim injunction was extended till 19.09.2015. However, the said interim injunction was not extended any more by the Sub Court, by order dated 17.11.2015.



9. According to the learned Counsel for the respondents 7 to 12, though they are cultivating tenants for more than ten years, the petitioner company has attempted to evict them without following the due process of law.

10. The Inspector of Police / respondent No.4 has filed a detailed counter affidavit, stating that the respondent No.4 had acted upon their complaints dated 02.09.2015 and 04.09.2015 by registering the same in CSR Nos.199 of 2015 and 200 of 2015 respectively and had also conducted enquiry and the respondents 5 to 12 had also preferred a counter complaint, against the petitioner company and its workers, stating that they are the cultivating tenants. Despite the lease, the petitioner company has attempted to evict them forcefully, without following due process of law and therefore, the complaint was also treated as petition enquiry. The land in dispute was not acquired by the Government of India, for the project and it was purchased by the petitioner company from one Saratha and Revathi Ramachandran, through registered sale deed document No.1446 of 2015 and 1447 of 2015 dated 29.05.2015, on the file of the Sub Registrar, Valangaiman and the 12th respondent is the cultivating tenant of the lands in Survey Nos. 84/2, 85/2 and 87/2 to an extent of 2.34.5 hectares from the year 1972 and the landlords have sold the lands to the petitioner's company by suppressing the same.

11. He would further state that respondent No.12 filed a civil suit in OS.No.300 of 2015, on the file of the Sub Court, Mannarkudi for permanent injunction and also obtained an order of interim injunction in IA No.290 of 2015 in OS No.300 of 2015 on 09.09.2015 and the 12th respondent has also filed the petition in TR No.3/2015/B1 before the Tenancy Recording Officer and the Tahsildar, Valangaiman under the provisions of the Tamil Nadu Agricultural Land Tenancy Registration Act, 1969 (TN Act, X of 66) and the same is pending before the Tahsildar in TR No.3/2015/B1, on the file of the Tahsildar, Valangaiman and he would submit that the Communist Party of India, Valangaiman have issued notice in support of respondent No.12 and have also proposed to conduct a demonstration on 10.09.2015 and road roko agitation on 14.09.2015. In order to avoid the law and order problem, the Tahsildar, Valangaiman has also conducted a peace committee meeting on 09.09.2015 to settle the issue amicably. The petitioner company did not participate in the peace committee meeting, since there is a civil dispute pending between the parties and the Court has also granted interim injunction in favour of the 12th respondent and the respondent Police was not in a position to provide police protection to the petitioner company. However, it is stated that based on their complaints, a case in Crime No.358 of 2015 was registered on the file of the Valangaiman Police, against respondents 5 to 9 and 3 others and the same is under investigation.

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14. The petitioner company has also identified the place in the middle of the Nagapattinam to Tanjore at Aravathur, Manickamangalam in Valangaiman Taluk and also purchased the land around 29 Acres from one Saratha and Revathi Ramachandran, through registered sale deed dated 29.05.2015, for the purpose of establishing their administrative office and staff quarters for the project.

16.The 12th respondent also filed a suit before the Sub Court, Mannarkudi in OS No.300 of 2015 and also obtained an order of interim injunction on 09.09.2015 and he also filed an application before the Tahsildar, Valangaiman in form V, under the provisions of Agriculture Land Tenancy Registration Act, 1969 (TN Act X 1966) on 24.09.2015 and the same was also taken on file in TR No.3/2015/B1, on the file of the Tahsildar, Valangaiman.

17. From the available records, it also appears that the Communist Party of India proposed to conduct certain agitations in favour of the 12th respondent on 09.09.2015 and therefore, a Peace Committee Meeting was also conducted by Tahsildar, Valangaiman on 09.09.2015.

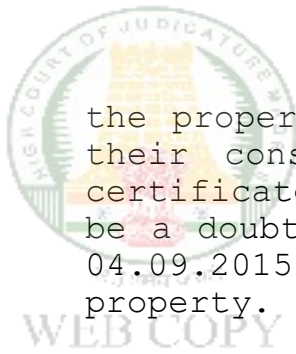
18.The petitioner has purchased this property from the land owners namely Saratha and Revathi Ramachandran, through registered sale deed in document Nos.1446 of 2015 and 1447 of 2015, on the file of the Sub Registrar, Valangaiman on 29.05.2015 and pattas were also changed in the name of the petitioner company on 01.09.2015 by the Tahsildar, Valangaman and final base camp plan was submitted by the petitioner's company on 06.07.2015 and the National Highways Authority of India and its Authorities headed by the Chief General Manager, and the Project Director, have inspected the administrative



building premises of the concessionaries on 19.08.2015 and gave their approval on 21.08.2015.

19. On 02.09.2015, one Selvam and 30 others have trespassed into the project site and caused damages to the temporary sheds and they have also intimidated the workers. In this regard, a complaint dated 02.09.2015 was lodged, wherein it is also stated that the complaint was given to the District Collector on 17.08.2015 itself. The complaint dated 02.09.2015 was treated by the 4th respondent as petition enquiry in CSR No.199 of 2015 and treated it as a civil dispute. Since appropriate action was not taken by the 4th respondent on the complaint dated 02.09.2015, yet another incident was taken place on 04.09.2015 at about 4.00pm, in which, the said Selvam and few others have again trespassed into the petitioner's premises, assaulted their employees, damaged their temporary sheds and workers and also caused damages to the tune of Rs.50,000/-. Against the petitioner company preferred a complaint to the respondents 1 to 4, for providing necessary police protection to their life, limb and their properties. This complaint was also treated by the 4th respondent as petition enquiry in CSR No.200 of 2015 on 04.09.2015. Again on 07.09.2015, some of the staff have been assaulted and the excavator operator was abused and beaten and on account of that he left the job. The petitioner company lodged a complaint on 07.09.2015, but no action was taken on that complaint. Again on 11.09.2015, the Watchman of the petitioner company was assaulted and batteries in the excavator have been stolen, for which another complaint was also lodged on 11.09.2015, but no action was taken. By referring to this incident, the project Manager sent a representation to the respondents 1 to 4, through registered post dated 11.09.2015, even then the respondents have not acted upon.

20. The 12th respondent has obtained an order of interim injunction before the Sub Court, Mannarkudi, only on 09.09.2015. He obtained the cultivating tenant certificate from the Village Administrative Officer, Aravathur Village on 23.09.2015. He filed the tenancy proceedings before the Tenancy Recording Officer and Tahsildar, Valangaiman only on 24.09.2015. The petitioner company has purchased the property in the month of May 2015 and got approval for that project in the month of August 2015 and also obtained patta for the land on 01.09.2015 and they have also commenced their activities by putting up temporary sheds for the labourers even before 02.09.2015. Therefore, was incident on 02.09.2015 and on 04.09.2015 and as on that date the respondent No.12 was not having any documents in his support, to establish his right as a tenant of the land in dispute. Even then the fourth respondent has not acted upon the complaint by referring that it is a civil dispute. The certificate for cultivation was obtained from the Village Administrative Officer, Aravathur Village on 23.09.2015 and the Village Administrative Officer has issued the certificate by conducting a spot visit that the 12th respondent is cultivating samba



the property in the month of May 2015 and they have also commenced their construction activities in the month of August 2015, the certificate issued based on the spot visit on 23.09.2015 appears to be a doubtful one, when there was an incident on 02.09.2015 and on 04.09.2015 regarding the damages of the temporary sheds in the property.

21.Moreover, the very same Village Administrative Officer has stated in the Tenancy Proceedings that there is no document for lease agreement and the respondent No.12 was cultivating for two fasali years. The tenancy proceedings was initiated only on 24.09.2015 and the same was also rejected by the Tenancy Recording Officer and Tahsildar, Valangaiman on 01.07.2016. No materials have been placed before this Court that any appeal has been filed as against the order of the Tenancy Recording Officer and Tahsildar, Valangaiman.

22.The ex-party interim injunction granted by the Sub Court, Mannarkudi was also vacated by order dated 17.11.2015 and there is no interim order in favour of the 12th respondent. Apart from the respondent No.12, the respondent No.7 namely, Selvakumar, S/o. Rathinam, Aruvur Village, Valangaiman Taluk, Thiruvarur District and one P.M.Kamaludeen, 835, Muhamathiyar Street, Pothakudi, Needamangalam have also initiated tenancy proceedings in TR No.13 of 2015/B1 and TR No.10 of 2015/B1 and the same were also rejected by order dated 01.07.2016.

23.In the absence of any legal impediment, there is no bar for the 4th respondent to act upon the complaint. As discussed above, on 02.09.2015 and 04.09.2015, there was no interim orders or any proceedings between the parties were on. Even then, the 4th respondent has not acted upon the complaint dated 02.09.2015.

24.In view of the new developments, the ex-party interim injunction granted on 09.09.2015 in favour of the respondent No.12 was vacated not extended by order dated 17.11.2015 and the tenancy proceedings filed in the strength of the certificate issued by the Village Administrative Officer was also rejected by order dated 01.07.2016. As such there is no impediment for the 4th respondent to provide adequate police protection to the petitioner company.

25.In the light of the discussion held above, this writ petition is allowed with a direction to the respondents 2 to 4 to provide adequate police protection to the petitioner company on



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payment of necessary charges as provided under the Act. No costs.

Sd/-

Assistant Registrar (P&A)

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Sub Assistant Registrar(CS)

To

- 1.The Inspector General of Police,
Central Zone,
Subramaniapuram,
Trichy - 620020.
- 2.The Superintendent of Police,
Tanjore.
- 3.The Deputy Superintendent of Police,
Tanjore Rural (Valangaiman Police Jurisdiction),
Papanasam, Tanjore.
- 4.The Inspector of Police,
Valangaiman Police Station,
Valangaiman,
(Tanjore Rural) Taluk,
Tanjore.

Order made in
WP (MD) No.16975 of 2015
30.07.2019

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