



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.09.2019**

CORAM

THE HONOURABLE MR. JUSTICE **G.K. ILANTHIRAIYAN**

W.P(MD) .No.14648 of 2017

Krishnan

... Petitioner

Vs.

1.The State rep. by its Principal Secretary,
Home Department,
State of Tamil Nadu,
Secretariat, Fort. St. George,
Chennai.

2.The Director General of Police,
Office of the Director General of Police,
Chennai.

3.The District Collector,
Office of the District Collector,
Dindigul District.

4.The Inspector of Police,
Ottanchadram Police Station,
Ottanchadram,
Dindigul District.

... Respondents

Prayer : This petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the respondent No.1 to pay costs or adequate amount of compensation for my detention and custody on the light of the judgment delivered by the Hon'ble Supreme Court of India in Senkoda - vs - State of Tamilnadu reported in (2013) 8 SCC 664 within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.R.Anandharaj

Additional Public Prosecutor

O R D E R

This petition has been filed seeking a direction to direct the respondent No.1 to pay costs or adequate amount of compensation for my detention and custody on the light of the



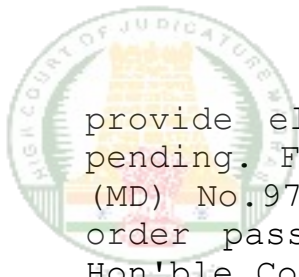
judgment delivered by the Hon'ble Supreme Court of India in Senkodan - vs - State of Tamilnadu reported in (2013) 8 SCC 664 within the time stipulated by this Hon'ble Court.

2. The learned counsel for the petitioner submitted that Oddanchatram Police Station Officials repeatedly foisted a false case as against the petitioner and his family members. In fact the case was registered in Crime No.541 of 2016 for non discloses the illegal activities and remanded him. Subsequently, he detained in Madurai Central Prison. Therefore, he was admitted in the Government Rajaji Hospital, Madurai. In fact, he was illegally kept detention and the detention order was passed. Subsequently, the Advisory Board revoked his his detention. Therefore, he sought for compensation as per the dictum laid down by the Hon'ble Supreme Court in the judgment in Senkodan Vs. State of Tamilnadu reported in (2013) 8 SCC 644.

3. The learned Additional Public Prosecutor appearing for the respondents filed a counter and submitted that the prosecution case is that the petitioner is holding agricultural land adjacent to one Tr.Veerasley. There arose a dispute between them, with regard to the erecting of electric post in the Tr.Veerasley agricultural land. Due to the said dispute, the father of the petitioner Tr.Ramasamy Gounder filed Writ Petition in W.P.(MD) No.1763 of 2017 before this Court to direct the Assistant Engineer, TNEB, Virupatchi Region, Dindigul District to drop the action of providing EB service connection to Tr.Veerasley through and across the Patta Land of the petitioner bearing S.No.285/1, Kaveriampatty Village, Ottanchathram Taluk without the consent of the petitioner and the same was disposed by this Hon'ble Court by an order dated 20.04.2016, as follows:-

"It is submitted by both the parties that the first respondent / electricity board is going to install a pole in the fourth respondent properly for giving electricity service connection. The petitioner has no objection for granting such service connection. At the same time, he only makes a request to the Court that in the event of drawing line, they should not cut the trees available in the property of the Petitioner. Therefore, the electricity board shall give service connection to the forth respondent without cutting the trees as alleged by the petitioner as far as possible" and the said writ petition is closed."

4. It is submitted that the petitioner filed an original suit in O.S.No.86 of 2016 before the learned District Munsif Court, Ottanchadram for grant of permanent injunction and not to

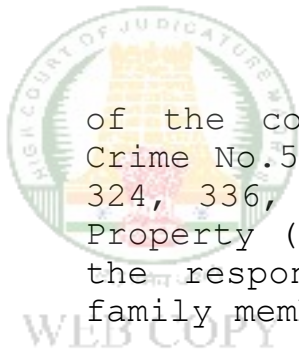


provide electricity connection to Tr.Veerasamy and still it is pending. Further, Tr.Veerasamy filed a Contempt Petition in Cont.P (MD) No.977 of 2016 before this Court for non-compliance of the order passed in W.P.(MD)No.1943 of 2016, dated 20.04.2016. This Hon'ble Court issued notice to the contemnors on 02.09.2016.

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5. It is submitted that the Assistant Engineer, TNED, Ottanchatram wrote a letter to Inspector of Police, Ottanchatram on 18.10.2016, seeking police protection for the completion of work assigned to them, since the petitioner along with the family members restraining the TNEB workers from doing their work. As requested by the Assistant Engineer, TNEB, the Inspector of Police along with other police Personnel visited the spot on 20.10.2017 to give protection to the TNEB employees. When the police team was on the spot assisting the Assistant Engineer, TNEB, the petitioner along with his family members restrained the TNEB employees from doing their work, the Inspector of Police interfered in the quarrel and showed this Court Order dated 20.04.2016 in W.P(MD)No.1943 of 2016 and explained the content of it, whereby this Court directed the TNEB to provide electricity connection to Tr.Veerasamy land without cutting the trees of the petitioner as far as possible. Even after the explanation of writ petitioner order dated 20.04.2016 filed by them, the petitioner family is not contented and started agitating in violent manner. The wife of the petitioner poured kerosene in her head and threatened the Government employees who were present on the spot that she will set herself in ablaze, if they give electric connection to Tr.Veerasamy land and the respondent police as well as the TNEB officials are squarely responsible for that. In order to stop the petitioner's wife from self-immolating herself, the Women Police Personnel restrained her. In the meantime, the petitioner entered the spot in tractor and threatened the women police to leave her wife alone or else he will kill them by speeding the tractor on them. Then he took a sickle from the tractor and came forward to attack the women police, who are restraining her wife from setting herself in fire and abused them in filthy language. The police warned the petitioner to drop the sharp weapon but the petitioner abused all of them with filthy language and started to attack them, Police Personnel got injured due to the attack of the petitioner. The family member started to pelt stone on the Police Personnel and on TNEB employees and restrained them from doing their duties. The injured police personnel and other employees were taken to the Government Hospital, Ottachathiram and admitted thereon for treatment.

6.It is submitted that Tr.Karthick, who sustained injury due to the attack of the petitioner, preferred a complaint before the respondent police and set the law into motion against the petitioner herein. The Investigation Officer has taken cognizance



of the complaint and registered a First Information Report in Crime No.541 of 2016, dated 20.10.2016 under Sections 341, 294(b), 324, 336, 353, 506(2), 309, 307 of IPC., and 3 (1) of TN Public Property (Prevention of Damage and Loss) Act, 1992, on the file of the respondent police against the petitioner and three of his family members.

7. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondents.

8. The case has been registered in Crime No.541 of 2016 for the offences under Sections 341, 294(b), 324, 336, 353, 506(ii), 309, 307 of IPC., and Section 3 (1) of TN Public Property (Prevention of Damage and Loss) Act, 1992. Further the petitioner is a history sheeter. There are so many cases pending as against the petitioner. Thereafter, he was detained under Goondas Act. However, his detention was revoked by Advisory Board for the reason that there is no sufficient cause for detention of the petitioner. In respect of the Crime No.541 of 2016 is concerned, they filed a final report and the trial is pending. Therefore, insofar as the compensation is concerned it would arise only subject to the out come of the trial. At this stage the claim of the petition cannot be considered.

9. In the result, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

vsd

To

1. The Principal Secretary,
Home Department,
State of Tamil Nadu,
Secretariat, Fort. St. George,
Chennai.

2. The Director General of Police,
Office of the Director General of Police,
Chennai.

<https://hcservices.ecourts.gov.in/hcservices/>



- 3.The District Collector,
Office of the District Collector,
Dindigul District.
- 4.The Inspector of Police,
Ottanchadram Police Station,
Ottanchadram,
Dindigul District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

W.P (MD) .No.14648 of 2017
24.09.2019

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