

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.13596 & 13604 of 2020

Ponnathal F/59,
W/o.Chinnasamy,
No.10/80-3, Madathottam,
Kadhakottai, Moolanur Via,
Thiruppur District.

... Petitioner in
Crl.O.P.No.13596 of 2020

Subramaniyam M/80,
S/o.Singaraya Gounder,
Kadhakottai,
Kannivadi Post,
Chinnatharapuram Via,
Thiruppur District.

... Petitioner in
Crl.O.P.No.13604 of 2020

Vs.

1. The Superintendent of Police,
Tiruppur District.

2. The Inspector of Police,
Moolanur Police Station,
Tiruppur District.

3. The General Manager,
K.S.Wind and Renewable India Pvt Ltd.,
Balakumar Nagar,
Nanchaithalaiyur Post,
Dharapuram Taluk,
Thiruppur District.

... Respondents in
both Crl.O.Ps

Common Prayer: Criminal Original Petitions filed under section 482 of Criminal Procedure Code, praying to direct the first and second respondent to give police protection restraining the third respondent or men or agent from drawing over head Low Tension Wires or Cable in the petitioner patta land situated at Kadhakottai Village, Chinnadharapuram Taluk, Tiruppur District for the Survey No.618/2, 615, 616, 616/2,611/B from the adjacent land in S.No.600/3, 609, 614, 618/1, 599 and for the Survey No.595, 596 from the adjacent land in S.No.600/3, 609, 614, 618/1, 599 Kadhakottai Village, Dharapuram Taluk, Tiruppur District.

For Petitioner in
both Crl.O.Ps : Mr.Udayakumar
for M/s.Karan and Uday

For R1 & R2 in
both Crl.O.Ps : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

These petitions have been filed seeking for direction directing the first and second respondent to give police protection restraining the third respondent or men or agent from drawing over head Low Tension Wires or Cable in the petitioner patta land situated at Kadhakottai Village, Chinnadharapuram Taluk, Tiruppur District for the Survey No.618/2, 615, 616, 616/2,611/B from the adjacent land in S.No.600/3, 609, 614, 618/1,

599 and for the Survey No.595, 596 from the adjacent land in S.No.600/3, 609, 614, 618/1, 599 Kadhakottai Village, Dharapuram Taluk, Tiruppur District.

2.It is seen in the affidavit that the petitioners are the owner of the property. Without getting permission from the petitioners, the third respondent unlawfully entered in to the land of the petitioners and started to dig pits for erecting poles in order to draw 230 K.V electric wires/cable over the petitioners' land. Hence, the petitioners filed petitions in W.P.Nos.28579 of 2010 and 22376 of 2019 respectively before this Court seeking Writ of Mandamus. The above said Writ Petitions have been allowed and the third respondent was restrained from entering the petitioners property without filing due process of law. Though the interim injunction order is in enforce against the third respondent, the third respondent, again erecting electric tower to draw a over head cable wire in the petitioners' land. When the petitioners were objecting the same, the third respondent with the help of rowdy elements attacked the petitioners and trespassed into the lands of the petitioners illegally and also threatening with dire consequences. Therefore, the petitioners lodged the complaints before the first and second respondent police for seeking police

protection. Since the first and second respondents have not registered the FIR, based on the complaint of the petitioners, these Criminal Original Petitions have been filed for the above said prayer.

3.Heard Mr.Mr.Udayakumar appearing for the petitioners and Mr.S.Karthikeyan learned Additional Public Prosecutor appearing for the first and second respondents.

4.The learned Additional Public Prosecutor would submit that on receipt of the complaint from the petitioner, the second respondent conducted enquiry and it revealed that the third respondent is drawing over head cable wire in the land purchased by him and not drawing in the patta land owned by the petitioner herein. More over the dispute between the petitioners and the third respondent is civil in nature and the petitioners can very well approach the Civil Court for appropriate relief.

5.Recording the submission made by the learned Additional Public Prosecutor, both the petitions are closed. If any dispute between the petitioners and the third respondent in respect of their lands, the petitioners are at liberty to approach the second respondent by filing fresh complaint

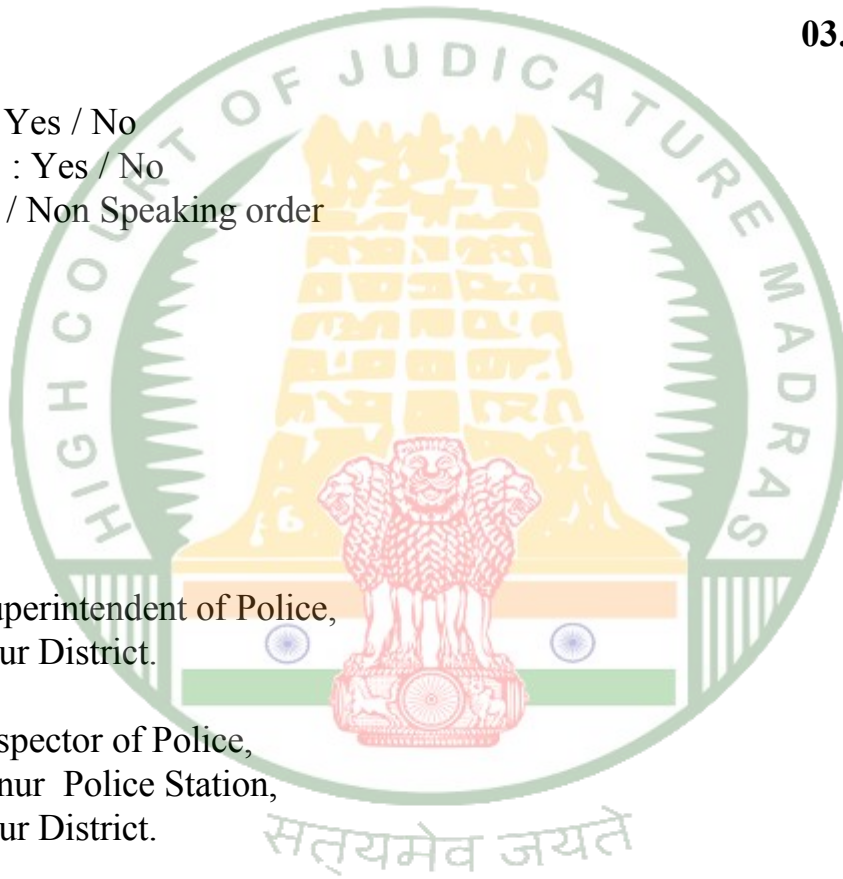
and on receipt of the same the second respondent is directed to conduct enquiry after issuing notice to the counter party and pass orders on merits and in accordance with law.

03.09.2020

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
vsn

To

1. The Superintendent of Police,
Tiruppur District.
2. The Inspector of Police,
Moolanur Police Station,
Tiruppur District.
3. The Public Prosecutor
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

vsn



Crl.O.P.Nos.13596 & 13604 of 2020

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