



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 02.07.2020

Pronounced on : 14.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE **B. PUGALENDHI**

W.P (MD) No.6839 of 2020

WEB COPY

V.B.Jegadeesan

: Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul.

2.The Inspector of Police,
Viru Veedu Police Station,
Dindigul District.

3.Selvam

4.Maayee

: Respondents

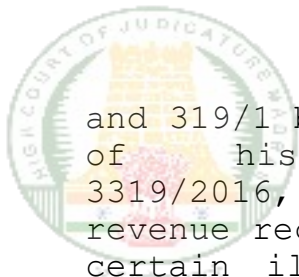
PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 and 2 herein to provide adequate Police Protection to the life and limb of the petitioner, his family and properties comprised in S.Nos.363/1, 321/4A, 365/1B, 262/4, 262/5, 262/6B, 351/9, 319/4A, 321/3, 356/9, 356/1E, 357/5, 320/2B, 319/3A, 319/3B, 318/3, 364/5, 318/7, 319/2A, 319/2B, 319/2C, 347/2, 366, 351/11 B, 340/1A, 318/6B, 263/2, 321/4B, 363/2, 319/3C and 319/1 situated at Nadakottai Village, Nilakottai Taluk, Dindigul District.

For Petitioner	: Mr.Veera Kathiravan, Senior Counsel, for M/s Veera Associates
For Respondent Nos.1 & 2	: Mr.K.K.Ramakrishnan, Additional Public Prosecutor

ORDER

The petitioner claims to be the owner of the lands in Survey No.363/1, etc., at Nadukottai Village, Nilakottai Taluk, Dindigul District, filed this petition for a writ of mandamus, for a direction to the respondents 1 and 2 to provide adequate police protection to his life and limb, his family and his properties comprised in Survey Nos.363 /1, etc at Nadukottai Village.

2.The case of the petitioner is that he purchased 50 acres of land, from one Devi Agro Farms in Survey Nos.363/1, 321/4A, 365/1B, 262/4, 262/5, 262/6B, 351/9, 319/4A, 321/3, 356/9, 356/1E, 357/5, 320/2B, 319/3A, 319/3B, 318/3, 364/5, 318/7, 319/2A, 319/2B, 319/2C, 347/2, 366, 351/11 B, 340/1A, 318/6B, 263/2, 321/4B, 363/2, 319/3C



and 319/1 by way of registered documents in his name and in the name of his family members in Document Nos.1/17, 3319/2016, 3320/2016 and 3321 of 2016 dated 18.10.2016 and the revenue records also stand in his name. The respondents 3 and 4 with certain illegal motive and with support of some villagers have disturbed him continuously harassing and threatening to grab his lands and therefore, he filed a suit before the Principal Sub Court, Dindigul against third and fourth respondents and another in O.S.No.395 of 2018 for declaration and injunction and the suit was also decreed in his favour by judgment and decree dated 23.07.2019. Even then, the respondents 3 and 4 had illegally trespassed into the property, abused him and also criminally intimidated and therefore, he lodged a complaint before the second respondent Police on 03.03.2020 and the same was registered in Crime No.33 of 2020 as against respondents 3 and 4 for the offence under Sections 341, 448 294(b) and 506(i) IPC.

3.Though the petitioner purchased property on valid registered documents in his name and also obtained an order of decree from the competent Court, the respondents 3 and 4 are continuously intimidating him and therefore, he approached this Court with the above prayer. The learned Senior Counsel for the petitioner has also relied upon the judgment of this Court in a similar writ petition in WP.No.10768 of 2019 dated 29.04.2019, wherein, this Court held as follows:

"2.The learned Government Advocate (Crl.Side) appearing for the respondents 1 and 2 would submit that necessary action will be done on the representation.

3.In this regard, it is necessary to extract the relevant paragraphs of the judgment reported in 2014 (2) CTC 695 (Radhika Sri Hari and another Vs. The Commissioner of Police, Coimbatore City, Coimbatore and others.

6.The reliance placed on decision referred to by the learned counsel for contesting respondents is misplaced. While it is true that pending civil proceedings, this court would not interfere in exercise of jurisdiction under Section 482 Cr.P.C, the instant is a case, wherein the right of the petitioners to property stand crystallised under order of S.A.No.855 of 1977. Pursuant to subsequent proceedings in W.P.No.7356 of 2012, the property of the petitioners came to be demarcated under proceedings of the appellate authorities viz Town Sub Inspector of Survey, Coimbatore East. Such official act has been challenged by way of contempt proceedings and the same stand dismissed. It is not



the contention of learned counsel for contesting respondents that pursuant to the order in Cont.P.No.1444 of 2012, they have moved any civil forum. However, he would submit that contesting respondents are poor people pitted against the affluent persons in whose aid the police agency also is working.

7. In the aforesaid circumstances, this court considers it appropriate to refer to report of the committee constituted by the Government in G.O.(3D) No.42, Home dated 30.06.2008 towards review of the system of treating complaints relating to money and land matters and to suggest a legally acceptable methodology. The report of such committee touching upon several issues, was accepted by Government. Having done so, under G.O.Ms.No.1580 Home (POL.VII) Department dated 24.11.2008, the Director General of Police was required to circulate the report along with the 14 point guidelines annexed to such Government order to police officers/stations for appropriate adherence. Under C.No.43/CRB/CSP/2008 dated 08.12.2008, the Commissioner of Police, Chennai Sub;Urban, has caused communications to all Deputy Commissioners, Assistant Commissioners and Inspector of police for necessary action. Guideline 11 issued by the committee reads as follows:

"11. When police protection is sought for the implementation of a civil court order it should be given readily. Police should not insist on a specific court direction to give police protection".

4. In support of this Government Order circulated by the Government, the second respondent police apparently demonstrate a lackadaisical attitude towards the job at hand. He is now directed to act in terms of G.O.(3D) No.42, Home dated 30.06.2008 and for his delayed performance of his duty, he shall pay a sum of Rs.2,000/- (Rupees Two Thousand Only) to DLSA, Dindigul. On receiving, the DLSA, Dindigul shall pay the same to the petitioner on obtaining receipt.

4. This Court by order dated 18.06.2020 ordered notice to the respondents 3 and 4 and private notice was also permitted. When the matter was taken up for hearing on 02.07.2020, the learned Counsel for the petitioner filed a proof of service to the respondents 3 and 4. However, no one has appeared on behalf of respondents 3 and 4.



5.In response to this petition, the second respondent, forwarded a written instructions to the learned Additional Public Prosecutor admitting the averment of this petitioner with regard to the purchase of properties by the petitioner and his family members from one Kesav Gopal Menon of Mumbai on 19.10.2016. On the earlier incident that taken place, a case in Crime No.33 of 2020 was registered as against one Selvam, Thangapandi and Mayee and they have also obtained anticipatory bail from the Court of Sessions, Dindigul. The third and fourth respondent are said to have claimed the property, as if the said Kesav Gopal Menon vendor owes some money to the third and fourth respondents and therefore, they have taken possession of the property for their money.

6.The Sub Inspector of Police in his report further states that in support of their claim, the third and fourth respondents, have not produced any documents. It is further stated that the present complaint dated 26.06.2020 is also enquired as petition enquiry in CSR No.129 of 2020. Admittedly, the petitioner has purchased the property by way of registered sale deed and the Revenue records also stand in his name and family members' name. He also obtained a decree in O.S.No.395 of 2018 from the Sub Court, Dindigul on 23.07.2019. The second respondent has also taken a specific stand in his written instructions that respondents 3 and 4 are said to have claimed certain documents from the vendor, but they have not substantiated the same with any documents.

7.In the above circumstances and also in view of the orders passed by this Court in W.P(MD)10768 of 2019, on 29.04.2019 cited above, this writ petition is disposed of with a direction to the second respondent Police to provide protection to the petitioner and his family members, in the absence of any valid documents from respondents 3 and 4. It is always open to the respondents 3 and 4, if they are having any right over the property and establish the same in the manner known to law, but not under threat and coercion. No costs.

Sd/-

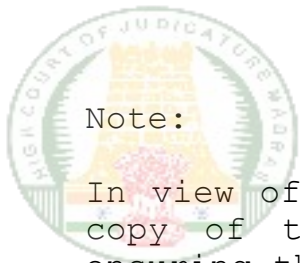
Assistant Registrar (crl.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

dsk



Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul.
2. The Inspector of Police,
Viru Veedu Police Station,
Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

W.P (MD) No. 6839 of 2020
14.07.2020

KB(22.07.2020) 5P 4C