



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2020

CORAM

THE HONOURABLE MR. JUSTICE **R. PONGIAPPAN**

W.P. (MD) .No.7084 of 2020

WEB COPY

M/s.Mytrah Vayu (Sabarmati) Private Ltd.,
No.8001, S.No.109, Q City, Nanakramguda,
Gachibowli,
Hydrabad-500 032, Rep by its Engineer
M.Iyyappan,
No.M.23, Lucky Colony, Anbu Nagar,
Perumalpuram,
Palayamkottai,
Tirunelveli-627 007.

...Petitioner

Vs.

1.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

2.The Deputy Superintendent of Police,
Maniyachi,
Thoothukudi District.

3.The Inspector of Police,
Kadambur Police Station,
Kayathar Taluk,
Thoothukudi District.

4.Saravanan

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st to 3rd respondents to give protection to the life of the petitioner and other employees and materials at the power Sub-station at Ottudanpatti Village, Kayathar Taluk, Thoothukudi District, and also for the operation of the 250Mw Wind Power Project Mills installed in Kayathar Taluk, Thoothukudi District.

For Petitioner : Mr.M.Ajmalkhan,
Senior Counsel for
Mr.T.Sakthi Kumaran

For R1 to R3 : Mr.S.Chandrasekar
Additional Public Prosecutor

For R4 : Mr.Kanimozhi Mathi

**ORDER**

The case of the writ petitioner is that he was working as Engineer in M/s.Mytrah Vayu (Sabarmati) Private Ltd., Hyderabad, which has installed and operating 250Mw Wind Power Projects in Kayathar Taluk, Thoothukudi District. The said company is maintaining a Power Sub-Station at Ottudanpatti Village, situated within the second respondent Police Station limit. On 20.06.2020 at about 03.30 p.m., the fourth respondent along with his hooligans had forcibly entered into the Control Room of the aforesaid Power Sub-station with deadly weapons and seized the Power Sub-station. The fourth respondent is the sister's concern to the petitioner, further, is having many dispute with the petitioner in connection with the purchase of lands in Coimbatore and Tiruppur District. The Power Sub-station run by the petitioner is not at all connected to the project run by the fourth respondent.

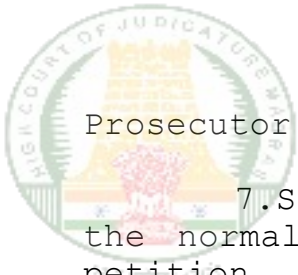
2.Assuming that if at all the fourth respondent is having any grievance against the petitioner's company, he can take action under due process of law, on the basis of agreement entered between the petitioner and the fourth respondent. Without following due process of law, the fourth respondent has once again taken the law on his hand and forcibly trespassed into the Power Sub-station and stopped the operation of wind mills, which is an offence and illegal. Hence, it is necessary to issue a writ of mandamus directing the respondent Nos.1 to 3 to give protection to the life of the petitioner and other employees working in the power Sub-station situated at Kayathar.

3.The learned counsel appearing for the petitioner would submit that even assuming that there was money dispute between the petitioner and the fourth respondent, the same can be resolved only on due process of law. Instead of following the same, the fourth respondent took the law on his hand and made disturbance to the petitioner. Hence, the petitioner is before this Court.

4.The learned counsel appearing for the fourth respondent would submit that the petitioner's company is having a due of Rs.4/- crore to the fourth respondent, for which, the petitioner has issued four cheques. When the said cheques were presented for collection, the same were returned on account of 'stop payment', as per the request of the petitioner. According to the fourth respondent, the present writ petition has been filed by the petitioner to evade the payment.

5.The learned Additional Public Prosecutor appearing for the respondents 1 to 3 would submit that after receiving the petition from the petitioner, due to intervention of the respondent Nos. 1 to 3, now the Power Sub-station belongs to the petitioner is started to work and as of now, there is no grievance to the petitioner.

6.The learned counsel appearing for the petitioner has also agreed the submission made by the learned Additional Public



Prosecutor appearing for the respondent Nos.1 to 3.

7. Since the Power Sub-station run by the petitioner came to the normal position, no further order is necessary in this writ petition. However, the respondents 1 to 3 are directed to give necessary protection to the petitioner and the other employees, if necessary.

8. With the above observation, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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To

1. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
2. The Deputy Superintendent of Police,
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Thoothukudi District.
3. The Inspector of Police,
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