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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 07.09.2021

PRONOUNCED ON : 08.10.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.14996 of 2021

and

WMP.No.15877 of 2021

K.P.Dhayalan

... Petitioner

Versus

1. The State of Tamil Nadu
Rep.by the Secretary to Government
Home Department
Fort St.George
Chennai 9.
2. The District Collector
Tiruvannamalai
Tiruvannamalai District.
3. The State of Tamil Nadu
Rep.by the Superintendent of Police
Tiruvannamalai
Tiruvannamalai District.
4. The Deputy Superintendent of Police
Cheyyar
Tiruvannamalai District.
5. The Inspector of Police
Cheyyar Police Station
Cheyyar
Tiruvannamalai District.
6. M.Muralidaran
The Inspector of Police
Cheyyar Police Station
Cheyyar
Tiruvannamalai District.
7. The Sub-Inspector of Police
Cheyyar Police Station
Tiruvannamalai District.



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8. Mr.Thangaraj
The Sub-Inspector of Police
Cheyyar Police Station
Cheyyar
Tiruvannamalai District.

9. Ranganathan

10.Venkatesan

11.Raman
Driver, Cheyyar Municipality

12.Manikandan

13.Suresh

14.Venkatesan

15.Palkara Ragavan

16.Ramesh

17.Ayyasami

18.Vinayagam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first and second respondents take necessary action to prevent anti social activities in Cheyyar such as sand smuggling, cattle theft, rowdyism, etc., by the respondents 8 to 18 at the earliest within a time limit to be specified by this Court.

For Petitioner : Mr.K.P.Dayalan (Party-in-Person)

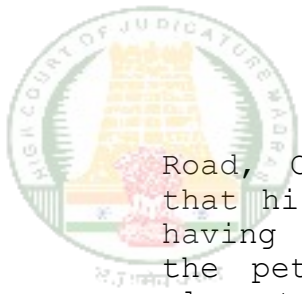
For Respondents : Mr.A.Damodaran for 1 to 5 & 7
Government Advocate (Crl.Side)

ORDER

This Writ Petition has been filed to direct the first and second respondents to take necessary action to prevent anti social activities in Cheyyar such as sand smuggling, cattle theft, rowdyism, etc., by the respondents 8 to 18 at the earliest within a time limit to be specified by this Court.

2. The petitioner, who is the Party-in-Person has filed this Writ Petition praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to take necessary action to prevent the anti social activities in Cheyyar such as sand smuggling, cattle theft, rowdyism, etc., by the respondents 8 to 18 within a time limit to be specified by this Court.

3. The contention of the petitioner is that the petitioner is residing at Kodanagar & Nagappan Nagar, Bye-pass



Road, Cheyyar, Thiruvannamalai District. He further submitted that his daughter Kavitha is deserted by her husband and she is having three children viz., two girls and one boy living with the petitioner. On 03.06.2013, at about 10.10 pm some rowdy elements committed criminal trespass into the petitioner's cattle shed to commit theft of cows and buffaloes. The petitioner's daughter Kavitha and other family members raised alarm and thereafter, the petitioner along with his daughter confronted the rowdy elements, due to which, they assaulted the petitioner and his daughter and his grand-daughter who is nine years old. The petitioner, his daughter, grand-daughter all got injured, took treatment initially in the Government Hospital, Cheyyar, later referred to Chengalpet Government Hospital for further treatment. His daughter was referred to Government Eye Hospital, Egmore, Chennai for eye treatment. After treatment, the Doctors informed that her left eye was severely affected and has become blind. The petitioner and his daughter lodged a complaint to the respondent Police and also sent several representations and no action taken. Further one Natarajan at Cheyyar owns TATA Ace Vehicle and Lorry, he is a sand smuggling main agent. Under him there are 4 to 5 dealers and labourers and all of them involved in sand smuggling regularly from the Cheyyar River and on the instructions of the said Natarajan, they illegally collected river sand and sold through the dealers. Since the petitioner was raising objection for the illegal sand mining, he and his family members were targeted and assaulted regularly. The petitioner was threatened and forced to withdraw the complaint lodged by him and he was forced to obey the Katta Panchayat in this matter. The petitioner was assaulted at the mid-night on 03.12.2020. Thereafter the petitioner called 100 emergency phone number and complained about the same. On 05.12.2020, the respondent Police 6 and 8 and one Sub-Inspector of Police, Kumar, had come there, instead of providing security to the petitioner, they threatened the petitioner and his daughter, forced them to withdraw the complaint and asked them not to make any more complaint hereafter. Earlier to it, for the occurrence on 01.09.2020 the petitioner had lodged a complaint and then too, no action taken. Likewise, no action was taken except assigning CSR.No.852 of 2019. Thus, from the year 2013 the petitioner and his family members are constantly harassed, threatened and assaulted and no action was taken by the respondent Police, which embolden the assailants and they regularly threatened and assaulted the petitioner and his family members. On 01.09.2020, fresh complaint was lodged by them giving particulars about the persons, who assaulted them and attempted to take away their cattle and caused damages. They sent a representation to the respondents Police 1, 3 and 5, but no action taken.

4. Further in support of his contention, the petitioner produced the Accident Register, CT Scan report of Kavitha, the Discharge Summary and Blind Certificate given to his daughter. The copies of the complaint and representation

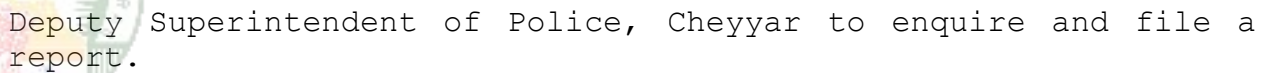


sent to the respondent officials including the Tiruvannamalai District Legal Authority Service have been produced before the respondent. But no action taken till now by the respondent. Hence, the above Writ Petition.

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5. The learned Government Advocate (Crl.Side) submitted that the petitioner is constantly harassing and regularly making complaints against certain people in that Village and Town. The petitioner is an encroacher who has put up a cattle shed in the land of the High Ways Department. He has 15 cows and buffaloes. These cows were not properly maintained and these cows were left free and they were causing damage to the crops cultivated by the Villagers and hence, the Villagers warned the petitioner to keep the cows secured and not to cause any damage to their cultivation. Aggrieved over the same the petitioner started making complaint against the Villagers and others with exaggeration. Whenever the petitioner lodged any complaint, the same was registered and thereafter closed. Suppressing these facts, the petitioner is projecting as though the official respondents have not taken any action at the instance of the private respondents herein and thereby the petitioner and his family members are threatened and assaulted. The report of the Tamil Nadu Women Commission in its communication dated 09.04.2015 had recorded that the petitioner encroached the lands of the High Ways Department and put up cattle shed, causing disturbance to the villagers and damage to their crops. The petitioner to escape from the action contemplated to remove his encroachment from Highways Department land by the Officials, he is making complaint against every one. In one of the complaints it is stated that all his cows were stolen, tied, kept in a far of place and attempted to be transported for which no action was taken. In fact, the enquiry revealed that no such incident had taken place. As regards the illegal sand mining, the Thasildar, Cheyyar as well as the Inspector of Police are taking necessary steps and are vigilant over the place. The petitioner's representation is bald, general in nature and without any particulars. It is seen that the petitioner is making such complaint against the respondents only to escape from the proposed action contemplated by the Authority for removal of his illegal occupation of the Highways Department lands. He caused damage to villagers crops and cultivation, by not properly taking care of cattle, allowed it to wander freely led to traffic blockade and unsafety of Motorist.

6. This Court heard the rival submissions. On 22.07.2021, the petitioner appeared through Video Conferencing from the office of one Advocate Mr.Arunkumar. This Court noticed that the petitioner is being prompted. This Court also noticed two or three persons with the petitioner and one of them recording the Court proceedings. When the same was questioned, the persons present therein failed to dis-close their identity and they moved away. When the petitioner was questioned, he was unable to give any details. Thereafter, this Court directed the



address

9. Be that as it may, this Court on the submissions of the petitioner finds that he is regularly sending representations from the year 2013. The Accident Register and the medical records of the year 2013 shows that the petitioner and his daughter and his grand-daughter sustained serious injuries. Thereafter, they have sent representation to the Police Personnel including the third respondent. It appears that no action was taken. Subsequent to that, the petitioner and his family members were threatened and assaulted. The threat seems to be continuous.

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



11. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

12. This Court places its appreciation for the timely action taken and enquiry report filed by the Deputy Superintendent of Police, Cheyyar as well as the initiative taken by the Assistant Commissioner of Police, Kilpauk, Egmore.

Sd/-

Assistant Registrar (CS-VIII)

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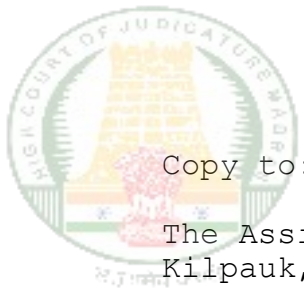
Sub Assistant Registrar

dna

Note: The Registry is directed to put up the affidavit filed by the Advocate Mr.Arunkumar

To

1. The Secretary to Government,
Home Department,
Fort St.George,
Chennai 9.
2. The District Collector,
Tiruvannamalai,
Tiruvannamalai District.
3. The Superintendent of Police,
Tiruvannamalai,
Tiruvannamalai District.
4. The Deputy Superintendent of Police,
Cheyyar,
Tiruvannamalai District.
5. The Inspector of Police,
Cheyyar Police Station,
Cheyyar,
Tiruvannamalai District.
6. The Sub-Inspector of Police,
Cheyyar Police Station,
Tiruvannamalai District.
7. The Public Prosecutor,
High Court, Madras.



Copy to:

The Assistant Commissioner of Police,
Kilpauk, Egmore.

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PL (CO)
PR (28/01/2022)