



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.33130 of 2019
and
W.M.P.No.33559 of 2019

P.Appamani

Vs.

... Petitioner

1. The State of Tamil Nadu,
Represented by the Secretary,
Home Department,
Fort St. George,
Chennai - 600 009.
2. The Director General of Police,
Mylapore,
Chennai- 600 004.
3. The District Collector,
Dharmapuri District,
Dharmapuri - 636 705.
4. The Inspector General of Police,
West Zone, Race Course Road,
Thomas Park, Race Course,
Coimbatore - 641 018.
5. The District Superintendent of Police,
Dharmapuri District,
Dharmapuri - 636 705.
6. Rathinakumar
Inspector of Police,
B1, Town Police Station,
Dharmapuri.
7. Sundramoorthi
Sub-Inspector of Police,
B1, Town Police Station,
Dharmapuri.



8. Srinivasan
Sub Inspector of Police,
B1, Town Police Station,
Dharmapuri.

9. K.Prakash
Constable (Driver),
B1, Town Police Station,
Dharmapuri.

10.Selvaraj
11.Muniyappan
12.Govindaraj
13.Chinnasamy
14.Munusamy @ Kathan
15.Kannan
16.Krishnan
17.Kulandhai
18.Madhu
19.Arumugam
20.Pachiammal
21.Vadivelu

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India directing the respondents 1 to 5 to initiate criminal proceedings against the respondents 10 to 21 for holding illegal katta panchayat on 23.06.2019, 30.06.2019, 14.07.2019 and 28.07.2019 in Chinna Kuppur, Kuppur Post, Dharmapuri District and excommunicating the petitioner and his family and further directing the 5th respondent to take appropriate disciplinary action against the 6th to 9th respondents for instigating and colluding for holding illegal katta panchayat and to direct the 5th respondent to file a final report in Crime No.814 of 2018 under Section 294(b), 324, 504(ii) and further direct the 5th respondent to register F.I.R. for the complaint dated 16.07.2019 lodged before him by the petitioner, award costs.

For Petitioner : Mr.N.G.R.Prasad(Sr.Counsel)
for Mr.C.Vijayakumar

For Respondents : Mr.C.E.Pratap
Government Advocate (Crl. Side)

O R D E R

This writ petition has been filed seeking a direction to the respondents 1 to 5 to initiate criminal proceedings against the respondents 10 to 21 for holding illegal katta panchayat on 23.06.2019, 30.06.2019, 14.07.2019 and 28.07.2019 in Chinna



Kuppur, Kuppur Post, Dharmapuri District and excommunicating the petitioner and his family and further directing the 5th respondent to take appropriate disciplinary action against the 6th to 9th respondents for instigating and colluding for holding illegal katta panchayat and to direct the 5th respondent to file a final report in Crime No.814 of 2018 under Section 294(b), 324, 504(ii) and further direct the 5th respondent to register F.I.R. for the complaint dated 16.07.2019 lodged before him by the petitioner.

2. The case of the petitioner is that the petitioner is a resident of Chinnakuppur Village, Dharmapuri District, where he is living along with his family. The petitioner is having 0.51 cents of agricultural land in Survey Nos.101/2, 102/1C and 102/2, which is his ancestral property. The petitioner also doing lorry hiring business for transporting goods in Dharmapuri Town. While so, in the year 2005, the petitioner approached Mrs.Pachiammal W/o.Vadivelu, the 20th respondent herein for a hand loan for a sum of Rs.60,000/-. The said Pachiammal asked the petitioner to execute an agreement for sale of the above said 0.51 cents of land as a surety for the above loan amount of Rs.60,000/-. Accordingly, the petitioner executed an unregistered agreement in favour of the 20th respondent after obtaining the amount of Rs.60,000/-. Thereafter, the 20th respondent with an intention to grab the property from the petitioner had sent a legal notice dated 10.07.2015 after a period of 10 years asking the petitioner to execute a sale deed in her favour, though the entire amount was settled. Immediately, the petitioner sent a reply notice dated 18.07.2015 denying her claim and reminding her that the loan amount was duly repaid during the year 2007 itself along with interest.

2.1. Thereafter, the 20th respondent filed a complaint before the Law Enforcing Agency and the petitioner received a summon dated 30.07.2019 from the Inspector, Land Grabbing Cell, asking the petitioner to come for an enquiry on 31.07.2018. The petitioner attended the enquiry on the same day and the Inspector of Police advised the petitioner as well as the 20th respondent to approach the competent Civil Court to establish their right. After a period of 2 years, the 20th respondent gave another complaint before the 6th respondent stating that the petitioner had cheated her and refused to register a sale deed after receiving the money. Based on the complaint, the 9th respondent, who is working as Constable under the 6th respondent police harassed the petitioner to execute the sale deed in favour of the 20th respondent. Therefore, the petitioner filed a petition under Section 482 of Cr.P.C. in CrI.O.P.No.23344 of 2017 seeking a direction to the Inspector of Police, Dharmapuri not to harass the petitioner and the said petition was disposed of by this Court on 02.11.2017 directing the respondents therein



not to harass the petitioner and to strictly follow the guidelines stipulated by the Hon'ble Apex Court in the case of Lalita Kumari vs. Government of Uttar Pradesh and others [2014 (2) SCC (1)]. Thereafter, the 20th respondent interfered with the peaceful possession of the petitioner's property, thereby the petitioner filed a suit in O.S.No.11 of 2018 seeking permanent injunction restraining the 20th respondent and her men from interfering with his peaceful possession and enjoyment of the land, in which the Trial Court had granted injunction on 30.01.2018. During the subsistence of the injunction order, the 20th respondent and other henchmen unlawfully trespassed into the petitioner's land and cut down 4 teak trees. Hence, the petitioner gave a complaint before the 7th respondent. However, the 7th respondent has not taken any action against the 20th respondent, thereby the petitioner sent a complaint to the Superintendent of Police on 12.05.2018 by register post. As no action was taken thereon, the petitioner lodged a second complaint on 21.09.2018 to the 6th respondent and after continuous persuasion, an F.I.R. was registered against the 20th respondent for the offences under Sections 294(b), 324, 504(ii) of I.P.C. in Crime No.814 of 108. While so, the local people, namely, the respondent Nos.10 to 21 illegally held a Katta Panchayat in Kuppur Village and the petitioner was summoned to the said Katta Panchayat and the respondents 10 to 21 threatened the petitioner and directed the petitioner to execute a sale deed in favour of the 20th respondent. The law enforcing agency also colluded with the 20th respondent and harassed the petitioner and gave life threat. Hence, the petitioner has come up with the above said prayer.

3. Mr.N.G.R. Prasad, learned counsel appearing for the petitioner would submit that this Court has to ensure the safety of the petitioner and his family members. Further this Court may issue direction to the 5th respondent to file a final report in Crime No.814 of 2018 for the offences under Sections 294(b), 324, 504(ii) of I.P.C. and to take appropriate disciplinary action against the persons, who held illegal katta panchayat, namely, the respondent Nos.10 to 21. Accordingly, he prayed for allowing this writ petition.

4. The learned Government Advocate (Crl.Side) appearing for the respondents has filed a status report stating that the law enforcing agency has already conducted investigation and a case was registered in Crime No.814 of 2018 and on 20.12.2018, in which a charge sheet was also filed before the Judicial Magistrate Court II, Dharmapuri. Further it is stated that as against the persons, who held Katta Panchayat, the respondent police had registered a case in Crime No.431 of 2019 under Section 145 of Cr.P.C. and the same was pending before the District Revenue Officer (DRO) for conducting enquiry as per



Section 145 of Cr.P.C. and the report is yet to be filed before the Law enforcing agency. The learned Government Advocate further submitted that the law enforcing agency will ensure the safety of the petitioner and his family and after receiving the report from the District Revenue Officer, appropriate legal action will be taken against the private respondents i.e. Respondent Nos.10 to 21 in accordance with law.

5. In the light of the submission made by the learned Government Advocate (Crl. Side), this writ petition is disposed of with a direction to the respondent Nos.1 to 5 to ensure the safety of the petitioner and his family members and further the 5th respondent is directed to initiate appropriate action after receipt of the report from the District Revenue Officer under Section 145 proceedings. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

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Sub Assistant Registrar

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To

1. The Judicial Magistrate Court,
Dharmapuri.
2. The Secretary,
Home Department,
Fort St. George,
Chennai - 600 009.
3. The Director General of Police,
Mylapore,
Chennai- 600 004.
4. The District Collector,
Dharmapuri District,
Dharmapuri - 636 705.
5. The Inspector General of Police,
West Zone, Race Course Road,
Thomas Park, Race Course,
Coimbatore - 641 018.



6. The District Superintendent of Police,
Dharmapuri District,
Dharmapuri - 636 705.

7. The District Revenue Officer (DRO),
Dharmapuri.

8. The Public Prosecutor,
High Court, Madras.

W.P.No.33130 of 2019
and
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PMK (CO)
PR (20/09/2021)