



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on: 08.07.2021

Delivered on: 04.08.2021

CORAM

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.O.P. (MD)No.2355 of 2021

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Rengaraj

... Petitioner

Vs.

- 1.The Commissioner of Police,
Trichy City, Trichy.
- 2.The Assistant Commissioner of Police,
Srirangam Division, Trichy City.
- 3.The Inspector of Police,
Srirangam Police Station,
Trichy District.
- 4.The Sub-Inspector of Police,
Srirangam Police Station,
Trichy City.
- 5.Aarumugam
- 6.Saravanan

... Respondents

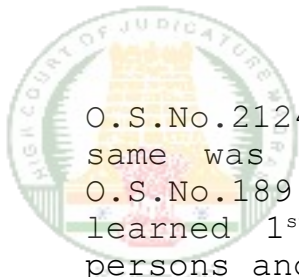
Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to issue a direction directing the respondents 2 to 4 not to harass the petitioner in the guise of enquiry.

For Petitioner	: Mr.V.Illanchezian
For R1 to R4	: Mr.R.M.Anbunithi, Additional Public Prosecutor
For R5 & R6	: Mr.M.Siddharthan

ORDER

This criminal original petition has been filed seeking a direction to the respondents 1 to 4 not to harass the petitioner under the guise of enquiry on the basis of the representation, dated 10.02.2021.

2.Case of the petitioner in brief is that land in survey Nos.2195, 2196, 2197 measuring 6.77 acres originally belong to Srirangam Vedapadasalai, Sri Manali Ramakrishna Mudaliar family Charities and its Hereditary Trustee. One Vasudevan was appointed as Managing Trustee in 1997. He sold the entire property to some 10 persons suppressing the fact that it belongs to the trust. The purchaser namely, K.S.Nagarajan and Muruganatham sold the property to 22 persons. Against which trustee Srinivasan filed a suit in



O.S.No.2124 of 2004 before the District Munsif Court, Trichy and the same was decreed on 07.02.2007. Subsequently, another suit in O.S.No.189 of 2004 was filed by the said Srinivasan before the learned 1st Additional District Judge, Trichy against another 10 persons and the same was also decreed on 21.02.2007.

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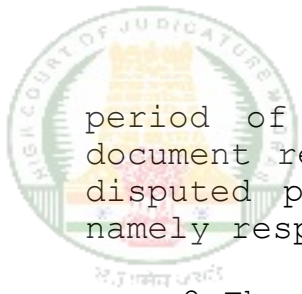
3. So all the properties have been recovered by the said Srinivasan. Later, one Perumal, who is the custodian of the trust properties, executed a lease deed in favour of the petitioner herein at annual rent of Rs.750/- in respect of the property in T.S.No.2197 to the extent of 0.50 acres. Pursuance to that the petitioner got the possession of the said land and cultivated coconut, banana and mango trees as cultivating tenant.

4. In the suit filed by the said Srinivasan, respondents 5 and 6 are parties. Later, they tried to interfere with the possession of the petitioner in the above said lease holding right. So a case in Crime No.719 of 2020 was registered by the third respondent under Sections 448, 294(b), 427 and 324 IPC against the respondents 5 and 6. They also filed a counter complaint, which was also registered in Cr.No.718 of 2020 for the offence under Sections 294(b), 324 IPC against this petitioner.

5. One Baskar, who is the brother of respondents 5 and 6, is working as a Police Officer in CBCID Wing. By misusing his powers, complaint has been given by the respondents 5 and 6 against the petitioner. The complaint given by the respondents came to be closed on 25.12.2020 and later, another complaint has been preferred and on the basis of the same, the petitioner is being harassed. So, he sent a representation, dated 10.02.2021 requesting not to interfere in the civil dispute. There is no action. Hence, this petition.

6. Heard the learned counsel for the petitioner, learned counsel for the respondents 5 and 6 and the learned Additional Public Prosecutor appearing for the Official respondents.

7. The claim of the petitioner is that he is the cultivating tenant in respect of land in T.S.No.2197 to the extent of 0.50 acres. Per contra, it is the case of the respondents 5 and 6 that actually they are licensee holder in respect of the property on the basis of the fact that they are legal heirs of one Palaniyayee Ammal. One Rajeswari and Padmapriya are the legal heirs of Vasudevan, who was the Managing Trustee of the above said Trust. One perumal was the agent. So they are licensee holder in respect of the property. On that basis they filed a suit in O.S.No.582 of 2001 on the file of the District Munsif, Trichirapalli. The sixth defendant in the said suit is one Maruthamuthu. He filed statement to the effect that he is the licensee holder in respect of the entire land in T.S.No.2197 measuring 2.63 acres. He entered into an agreement with the owner namely Vasudevan in 1992 itself for a



period of five years and that was subsequently extended. The document relied by the plaintiff in the suit is not related to the disputed property. Suit was decreed in favour of the plaintiff namely respondents 5 and 6 herein.

8. Thereafter, the sixth respondent herein filed a petition in Crl.O.P.(MD)No.14273 of 2020 seeking police protection in respect of life and property in T.S.No.2197 measuring 0.08 cents on the basis of representation, dated 23.11.2020. It came to be disposed of with a direction to the Official respondents namely Police to consider the representation made by the petitioner therein, who is the sixth respondent herein, and pass orders and police protection may also to be granted if it is found necessary, by an order dated 08.12.2020. Now, based on the said order, the petitioner was called upon for the enquiry by the second respondent through summons, dated 23.01.2021. So, according to the respondents, the petitioner has to appear before the Enquiry Officer and co-operate to complete the enquiry.

9. From the narration of the facts it is clear that there is a rival dispute with regard to the property in T.S.No.2197 measuring 0.50 acres. The petitioner claimed that he is the cultivating tenant in respect of the property whereas the respondents 5 and 6 claims that they are licensee holder for the property and they are in possession of the property. These aspects to be considered by the competent civil Court.

10. However, it appears that decree of permanent injunction has been granted in favour of the respondents 5 and 6 by the civil Court. But the petitioner, namely Rengaraj, is not a party in O.S.No.582 of 2021. But one Perumal, with whom petitioner alleged to have entered into lease settlement, is shown as third defendant in the above said suit. Even though the suit was decreed on 08.02.2007, this lease agreement came to be executed by the said Perumal in favour of this petitioner only on 25.10.2017. When permanent injunction decree was granted against the defendants, how he was entitled to execute lease right, which is also a matter for consideration by the competent civil Court. But *prima facie* it shows that the said Perumal has no right to execute the said lease agreement in favour of this petitioner. Hence, the petitioner has to appear before the Enquiry Officer and produce documents which are available with him and co-operate with the enquiry, which was initiated in pursuant to the order passed by this Court.

11. The contention of the petitioner that he has been harassed under the guise of enquiry is without basis. So question of harassment may not arise. The petitioner has to workout his remedy before the appropriate forum. He has to appear before the Enquiry Officer and co-operate with him for completing the enquiry.



12. With these observations, this criminal original petition is dismissed.

Sd/-

Assistant Registrar (AS)

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/ /2021

Sub Assistant Registrar(CS)

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 Commissioner of Police,
Trichy City,
Trichy.
2. The Assistant Commissioner of Police,
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Trichy City.
3. The Inspector of Police,
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Trichy District.
4. The Sub-Inspector of Police,
Srirangam Police Station,
Trichy City.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.SIDDHARTHAN, Advocate (SR-25576[F] dated 06/08/2021)

Crl.O.P. (MD)No.2355 of 2021
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