

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2022

CORAM

THE HONOURABLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.15983 of 2020

P.Ponnusamy

... Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Tiruppur.
2. The Superintendent of Police,
Tiruppur District,
Tiruppur.
3. Jayaraman
Deputy Superintendent of Police,
Dharapuram,
Tiruppur District.
4. Suresh
The Inspector of Police,
Kundadam Police Station,
Kundadam,
Dharapuram Taluk,
Tiruppur District.

5. Vanithamani

The Inspector of Police,
All Women Police Station,
Dharapuram, Tiruppur District.

6. S.Mohan Gandhi

The Deputy General Manager,
Power grid Corporation of India
Coimbatore Main Road,
K.Paramathy Road,
Karur.

7 Sivasubramanian

The Zonal Deputy Tashildar,
Office of Tashildar,
Dharapuram,
Tiruppur District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the first respondent to pay Rs.30 Laksh for the illegal arrest of the petitioner and his two sons by the third respondent and his team and registration of a case in Crime No.873 of 2020 dated 14.08.2020 on the file of the fourth respondent on the basis of false complaint lodged by the seventh respondent and for the humiliations and harassments caused by the respondents 3 to 7 by violating the order of the first respondent dated 28.01.2020 by considering the petitioner's representation dated 17.08.2020.

For Petitioner : Mr.N.Ponraj

For Respondents : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

This petition has been filed to direct the first respondent to pay Rs.30 Laksh for the illegal arrest of the petitioner and his two sons by the third respondent and his team and registration of a case in Crime No.873 of 2020 dated 14.08.2020 on the file of the fourth respondent on the basis of false complaint lodged by the seventh respondent and for the humiliations and harassments caused by the respondents 3 to 7 by violating the order of the first respondent dated 28.01.2020 by considering the petitioner's representation dated 17.08.2020.

2. Heard Mr.N.Ponraj, learned counsel appearing for the petitioner and Mr.A.Gopinath, learned Government Advocate (Crl. Side) appearing for the respondents.

3. The petitioner owned land ad measuring 4.15 acres comprised in S.F.No.42 situated at Muthiyampatti Village, Dharapuram Taluk. While being so, the sixth respondent herein was taking steps to put up over head power grid line 320 KV HVDC for the route from Pugalur to Trichur through

the petitioner's poultry farm. It was objected by the petitioner herein. Therefore, the petitioner submitted representation raising objection to draw the electric line over and above the poultry farm. It was not considered as such, the petitioner was constrained to file a Writ Petition before this Court in W.P.No.32668 of 2019 and this Court directed the first respondent to consider the petitioner's representation and pass orders on merits. The first respondent conducted enquiry thereby directing the sixth respondent to inspect the petitioner's land to find out the possibility of alternative path to draw the electric line. The first respondent also directed the sixth respondent to convey the inspection report to the petitioner and directed to pay compensation if alternative route is not feasible and granted permission to enter into the petitioner land by his communication dated 03.12.2019.

4. Accordingly, the sixth respondent conducted enquiry and submitted report that there is no alternative land to draw the electric line, except the petitioner's land. Therefore, the petitioner again filed Writ Petition in W.P.No.9104 of 2020 forbearing the respondents from erecting the electric line. Further while pending the Writ Petition, the sixth respondent

issued communication dated 17.07.2020, thereby informing the petitioner that already survey was done on 04.02.2020 and found that the realignment is no possible and the said decision was duly intimated to the District Collector by the communication dated 20.02.2020. Accordingly, the sixth respondent erected the power grid line 320 KV HVDC over and above the petitioner's land.

5. While erection was under progress, the petitioner and his two sons were objected and interfered with the official duty of the respondents. Therefore, the complainant viz., seventh respondent herein lodged a complaint and the same was registered in Crime No.873 of 2020 on the file of the Inspector of Police, Kundadam Police Station, for the offences under Sections 341, 353 of IPC. In fact, the petitioner and his family members were arrested and released on the same day by the fourth respondent.

6. While being so, the petitioner filed this Writ petition for seeking compensation of Rs.30,00,000/- for their illegal arrest by the police personnel, in pursuant to the registration of FIR in Crime No.873 of 2020.

That apart, the petitioner was awarded compensation to the tune of Rs.3,39,699/- for drawing of electric line over and above his land. Though it was offered to the petitioner, he refused to receive the same and filed an appeal by way of O.P.No.89 of 2021 on the file of the learned Principal District Munsif Court, Tiruppur, and it is pending.

7. In view of the above facts and circumstances, the prayer sought for in this petition is devoid of merits and liable to be dismissed. Accordingly, the Writ Petition stands dismissed. There shall be no order as to cost.

06.07.2022

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

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To

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2. The Superintendent of Police,
Tiruppur District,
Tiruppur.

3. The Deputy Superintendent of Police,
Dharapuram,
Tiruppur District.
4. The Inspector of Police,
Kundadam Police Station,
Kundadam,
Dharapuram Taluk,
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5. The Inspector of Police,
All Women Police Station,
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6. The Deputy General Manager,
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- 7 The Zonal Deputy Tashildar,
Office of Tashildar,
Dharapuram,
Tiruppur District.
- 8.The Public Prosecutor
High Court, Madras.

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G.K.ILANTHIRAIYAN, J.

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