



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

CRL OP(MD) No.4158 of 2019

Lanco Tanjore Power Company Limited,
(Formerly known as Aban Power
Company Limited),
represented by its Senior Manager
Mr.AP.Navanesan,
Aban Staff Quarters, Eraharam Road,
Moopakoil,
Melacauvery Post, Kumbakonam,
Thanjavur District.

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Kumbakonam, Thanjavur District.

2.The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.

3.The Revenue Divisional Officer,
Kumbakonam, Thanjavur District.

4.The Thasildar,
Kumbakonam Taluk,
Thanjavur District.

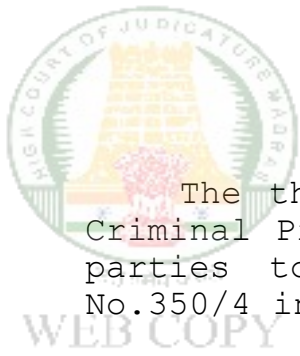
... Respondents

PRAYER : This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to pass an order of direction, to direct the respondents to give police protection to the life and limbs of the petitioner and his staffs and to the land in Survey No.350/4 (Old No.350/3) in Kottaiyur Village, Kumbakonam Taluk, by implementing the prohibitory order passed by the 3rd respondent under Section 145 of Cr.P.C restraining the trespasses in the said property.

For Petitioner : Mr.S.Madhavan

For Respondents : Mr.S.Manikandan

Government Advocate (Criminal side)



O R D E R

The third respondent had passed an order under Section 145 of Criminal Procedure Code, wherein he has directed both the disputing parties to maintain status quo with regard to land in Survey No.350/4 in Kottaiyur Village, Kumbakonam Taluk, Thanjavur District.

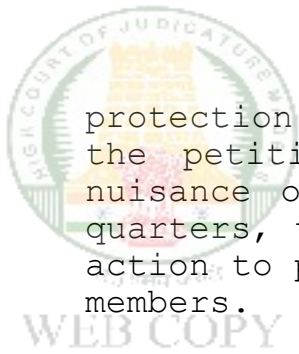
2.The present Criminal Original Petition has filed by the petitioners who are the beneficiaries of the said order. Some rowdy elements are disturbing the staff quarters located in a different Survey number which is adjacent to 350/4. However, whenever, the petitioner Company approaches the respondent Police, they are refusing to initiate any action citing the pendency of the connected Civil Suit and the order passed in 145 proceedings.

3.The learned Counsel appearing for the petitioner contended that the staff quarters is located in different survey numbers, namely, 350/2, 349/2, 349/3, 350/3, 350/1, 345/4 and 345/6. The staff quarters and other premises of the petitioner Company are not located in the disputed survey number, namely, 350/4 for which 145 proceedings have been initiated and civil suit is pending. Hence, he prayed for allowing the Criminal Original Petition granting police protection to the life and limbs of the petitioner Company and their staff.

4.Per contra, the private parties who are parties in the civil suit connected with the Survey No.350/4, contended that any order passed in the present Criminal Original Petition should not affect their rights with regard to Survey No.350/4.

5.The learned Government Advocate appearing for the respondents 1 and 2 further contended that it may not be possible to grant Police protection for 24 hours, with regard to the property. Further contended that remedy is available to the petitioner Company to file Civil Suit as against the private parties, who are attempting to disturb their possession.

6.I have given careful consideration to the submissions made on the either sides. Admittedly, several Civil suits are pending with regard to Survey No.350/4. The order under Section 145 of Criminal Procedure Code has also been passed by the third respondent only with regard to Survey No.350/4. There is no civil dispute with regard to Survey Nos. 350/2, 349/2, 349/3, 350/3, 350/1, 345/4 and 345/6. However, some rowdy elements are often entering into the staff quarters and creating nuisance. They take the defence of pendency of Civil Court proceedings and the order a status quo passed in 145 proceedings. Hence, I find there cannot be any impediments for the respondents 1 and 2 to grant police protection to the staff quarters for the petitioner Company which are located in the above said Survey numbers. However, as rightly contended by the respondents 1 and 2, it may not be possible to grant Police



protection for 24 hours for the above said property. As and when the petitioner Company lodges any complaint with regard to any nuisance or threat by any third party with regard to their staff quarters, the respondents 1 and 2 are directed to initiate immediate action to protect the life and limbs of the petitioner and the staff members.

7. With the said observation, the Criminal Original Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Tmg

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 Deputy Superintendent of Police,
Kumbakonam, Tanjavur District.
2. The Inspector of Police,
Swamimalai Police Station,
Tanjavur District.
3. The Revenue Divisional Officer,
Kumbakonam, Tanjavur District.
4. The Thasildar,
Kumbakonam Taluk,
Tanjavur District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Order made in
CRL OP(MD) No.4158 of 2019
20.06.2022

KK (CO)

GC(30.06.2022) 3P 6C

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