



Crl.O.P.No.6669 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

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M/s.Literacy Mission Matriculation
Higher Secondary School, owned and run by
M/s. Ponni Charitable Trust
Rep. by its President Mr.R.Ramamoorthy
having its Office at
Samalapuram,
Somanur Post, Palladam Taluk ,
Tirupur District - 641 668.

... Petitioner

Vs.

1. The Deputy Superintendent of Police,
Tirchy Main Road,
Near Palladam Police Station,
Palladam,
Tirupur - 641 664.
2. The Inspector of Police,
Mangalam Police Station,
Palladam Road,
Mangalam,
Tiruppur - 641 663.
- 3.S.A.Senthilkumar
- 4.S.Selvakumar,
- 5.G.Rathinasabapathy



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6.G.Manoharan

7.R.Rayappan

8.P.Ganesamoorthy

9.S.P.Ramasamy

10.S.Pranesh

11.R.Ramathal

12.Ganesan

13.Seenivasan

14.A.Velusamy

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondent police to issue direction directing the Respondents 1 and 2 herein to give necessary police protection to the life and limb of the petitioner and to discharge his duties for running the school peacefully by considering the petitioner's complaint dated 18.03.2023.

For Petitioner : Mr. John Sathyan (Senior Counsel)
for Mr.S.Suresh

For Respondents : Mr.S.Santhosh (For R1 & R2)
Government Advocate (Crl. Side)



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ORDER

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This Criminal Original Petition has been filed seeking direction to the Respondents 1 and 2 herein to give necessary police protection to the life and limb of the petitioner and to discharge his duties for running the school peacefully by considering the petitioner's complaint dated 18.03.2023

2. The learned counsel appearing for the petitioner submitted that there is a dispute with regard to running of M/s.Literacy Mission Matriculation Higher Secondary School owned and run by M/s. Ponni Charitable Trust. This Trust is run by its president Mr.R.Ramamoorthy, who is the petitioner herein. It is his further submission that, there was a suit in O.S.No.300 of 2019 filed seeking relief of Permanent Injunction against the Respondents (1 to 7) therein. In the said suit, petitioner filed I.A.Nos. 511,512 & 513 of 2019 on the file of the learned Principal District Judge, Tiruppur for the following relief:

I.A.No.511 of 2019 has been filed under Order 39, Rules 1 and 2 and Section 151 of Cr.P.C to grant a temporary injunction restraining the respondents 1 to 7, their agents and men from in any manner what so ever preventing the ingress and egress of the petitioners into the petition mentioned properties and to discharge their duties for the School



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Committee viz., Literacy Mission Matriculation Higher Secondary School, Samalapuram, pending disposal of the suit and pending disposal of the application, grant an order of ad-interim injunction to the said effect.

***I.A.No.512 of 2019** has been filed under Order 39, Rules 1 and 2 and Section 151 of Cr.P.C to grant a temporary injunction restraining the respondents 4 to 7, their agents and men and any person claiming through them from any way entering the suit properties and disturbing the peaceful possession and enjoyment of the demised properties by the petitioners 3 to 10, pending disposal of the suit and pending disposal of this application, grant an order of interim injunction to the said effect.*

***I.A.No.513 of 2019** has been filed under Order 39, Rules 1 and 2 and Section 151 of Cr.P.C to grant a temporary injunction restraining the respondents 1 to 7, their agents and men and any person claiming through them from any manner whatsoever preventing the petitioners 3 to 5 herein from entering the schedule mentioned properties and to discharge their duties as Trustees of the 1st petitioner Trust, pending disposal of the suit and pending disposal of the application, grant an order of ad-interim injunction to the said effect.*

3. The learned Principal District Judge, Tiruppur after hearing both the sides and also considering the materials produced allowed the Interlocutory applications giving protection to the petitioner's possession and running the



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M/s.Literacy Mission Matriculation Higher Secondary School.

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4. It is his further submission that, petitioner filed W.P.No.14669 of 2018 before this Court seeking police protection from the respondents (4 to 9) therein. An interim order was passed in favour of the petitioner on 23.05.2019 and subsequently, final order was passed on 11.06.2019 to continue to provide police protection for further period of three weeks with a direction to the petitioner to take steps to initiate proceedings before the appropriate Court in the manner known to law. Thereafter, suit in O.S.No.300 of 2019 is filed. Again, petitioner was made to file Crl.M.P.13300 of 2021 seeking police protection by considering the petitioner's complaint dated 20.07.2021 and 22.07.2021. This Court on 04.08.2022, directed the respondent police to consider the petitioner's representation dated 20.07.2021 and 22.07.2021 and pass appropriate orders within a period of four weeks from the date of receipt of copy of the order.

5. When things are being so, petitioner received a notice dated 16.03.2023, with regard to "Urgent Board of Trustees Meeting" and this notice is illegal. For the said notice dated 16.03.2023, petitioner sent a reply notice on 17.03.2023. Thereafter, petitioner gave a petition to the respondent police on 18.03.2023 seeking police protection, however, it was not considered



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so far. He further submitted that Board Examination for Tenth Standard and Twelfth Standard have commenced and it is going on. If the private respondents interferes with the running of the School, it would adversely affect the interest of Students.

6. Mr.S.Kumaresan, learned Counsel appeared and submitted that, he is going to file vakalat and seeks time to file Counter.

7. Mr. S.Santhosh, learned Government Advocate (Crl. Side) appearing for the respondents 1 & 2 submitted that, based on the petitioner's representation, C.S.R.No.47 of 2023 is pending. Similar complaint was given by Vanitha, Principal of the School alleging similar facts. Based on the said complaint, CSR enquiry is pending.

8. In the light of the submission made by both the parties, this Court is of the view that the dispute between the parties has to be resolved only before the competent Civil Court. It is already indicated that suit in O.S.No. 300 of 2019 is pending. This Court directs the parties to work out their remedy with regard to management and administration of the School before the competent Civil Court. As of now, petitioners have injunction order granted by the Civil



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Courts in I.A.Nos.511, 512 &513 of 2019. However, it is claimed that the respondents act contrary to the above orders.

9. In view of the above, this Court directs the respondent police to consider the petitioner's representation dated 18.03.2023 positively and pass appropriate orders for giving police protection.

10. With the above observations and directions, this Criminal Original Petition is disposed of.

23.03.2023

Internet:Yes
Index:Yes/No
Sma

To:

1. The Deputy Superintendent of Police,
Tirchy Main Road,
Near Palladam Police Station,
Palladam,
Tirupur - 641 664.
2. The Inspector of Police,
Mangalam Police Station,
Palladam Road,
Mangalam,
Tiruppur - 641 663.



3. The Public Prosecutor,
High Court of Madras.

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G.CHANDRASEKHARAN, J.
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