



W.P.No.13674 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2023

CORAM:

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

W.P.No.13674 of 2021

and

W.M.P.No.2581 of 2023

P.Mylsamy

...Petitioner

-Vs-

1.The Principal Home Secretary,
Secretariat,
Saint George Fort,
Chennai – 600 009.

2.The Director General of Police,
Kamarajar Road,
Chennai – 600 005.

3.The Deputy Inspector General of Police,
Red fields,
Coimbatore – 18.

4.The Superintendent of Police,
District Police Office,
Coimbatore – 18.

5.The Inspector of Police,
Police Station,
Kinathukadavu,
Coimbatore District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to compensate the petitioner in a sum of Rs.5,00,000/- within the time frame to be fixed by this Court.

For Petitioner : Mr.V.V.Sairam

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

ORDER

This writ petition has been filed seeking compensation of Rs.5,00,000/- from the respondents herein.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondents.

3. The petitioner owned agricultural lands in S.F.No.46/A1, Pu.A.0.35, S.F.No.46/B4, Na.A.0.89, Na.A.0.20 in S.F.No.46/B1 at Pootaiyandipurambu Village, Kinathukadavu Taluk, (Formerly Pollachi Taluk), Coimbatore District. He derived title for these properties as per the Judgment passed in O.S.No.48 of 1996 by the registered sale deed dated 17.03.1999 vide Document No.1449 of 1999. He also claimed as per the proceedings of the Tahsildar, Pollachi Taluk dated 16.10.1998,



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thereby confirmed his ownership of bore well situated in S.F.No.46/A1 and the same was confirmed by the Judgment and Decree passed in O.S.No.517 of 1998. He also filed a suit for bare injunction as against the adjacent land owners namely, one Ponnusamy and his family members restraining them from entering into the land comprised in S.F.Nos.46/A1, 46/B4 situated Pootaiyandipurambu Village, Kinathukadavu Taluk, Coimbatore District.

4. While being so, in his absence, a neighbour namely, the said Ponnusamy and others had trespassed into his property and encroached some extent of the properties. They also damaged and destroyed the ridge to retain water in his land and also caused damage to the bore well. Therefore, the petitioner caused legal notice through his counsel on 10.07.2017. Subsequently, he also lodged a complaint on 08.08.2017. Since no action was taken on the complaint, he had filed a direction petition before this Court in Crl.O.P.No.24520 of 2017. This Court, by an order dated 15.11.2017, directed the fourth respondent to look into the matter and reply to the petitioner. On receipt of the same, the fourth respondent issued C.S.R.No.85 of 2017. Thereafter, the fifth respondent



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registered an FIR in Crime No.1399 of 2020 for offences under Sections 447 and 427 IPC. After completion of investigation, the fifth respondent filed a final report in S.T.C.No.533 of 2022 on the file of the learned Judicial Magistrate-I, Pollachi and it is pending for trial.

5. The petitioner also lodged a complaint before the land grabbing cell as against the said Ponnusamy and his family members. On the said complaint, the fifth respondent registered an FIR in Crime No.1424 of 2020 for the offences under Sections 467, 468 and 420 IPC as against the accused. After completion of investigation, final report has been filed and the same has been taken cognizance in C.C.No.227 of 2022 on the file of the learned Judicial Magistrate-I, Pollachi and it is pending for trial.

6. Once again the petitioner lodged another complaint alleging that the neighbours had trespassed into his property and stolen the coconuts. On receipt of the same, the fifth respondent once again registered another FIR in Crime No.368 of 2021 for the offences under Sections 447 and 379 IPC as against the accused persons. During



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investigation, it was found that the said complaint was false and as such, it was closed as Mistake of Fact. The fifth respondent also served the referred charge sheet in R.C.S.No.33 of 2021.

7. The only contention raised by the petitioner is that even after repeated complaints, the fifth respondent did not take any action on the complaints. The petitioner, being an aged person, is living with his wife and has no protection to his life and also to his property from neighbours. Therefore, utilizing the said situation, the neighbours trespassed and caused damages to the crops and also had stolen the coconuts. Even then, the fifth respondent did not take any action and as such, he submitted a detailed representation before all the higher officials. Hence, the petitioner sought for compensation of Rs.5,00,000/- from the respondents.

8. It is seen that the petitioner did not even state when the neighbours trespassed into his property and when they had fabricated the documents of the petitioner. In fact, the petitioner did not even lodge any complaint before the fifth respondent for the first alleged occurrence.



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Initially, the petitioner caused only legal notice dated 10.07.2017. On perusal of the same, it does not reveal the date of occurrence.

Subsequently, the petitioner lodged a complaint on 17.08.2017, in which also the date of occurrence was not revealed. The entire complaint itself is bald and vague. The petitioner was issued C.S.R.No.85 of 2017, on receipt of the complaint dated 17.08.2017. Pending enquiry, the petitioner approached this Court and as directed by this Court, the fifth respondent registered the FIR. In fact, the fifth respondent had completed the investigation and filed a final report and the same has been taken cognizance by the Trial Court.

9. The second complaint also does not reveal the date of occurrence. All the allegations are bald and vague. Even then, the fifth respondent registered the FIR and now it is pending for trial before the Trial Court.

10. Therefore, the fifth respondent had not committed any wrong and had acted in accordance with law. That apart, the petitioner kept on filing complaints with false allegations. The last complaint was



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registered in Crime No.368 of 2021 for the offences under Sections 447 and 379 IPC and after investigation, it was found that the said complaint was a false one. Therefore, it was closed as Mistake of Fact and the RCS notice was duly served to the petitioner. Further, for the civil dispute between the petitioner and the accused, the petitioner without approaching the Civil Court, repeatedly knocked the doors of the fifth respondent. The writ petition itself is filed only to threaten the police officials and nothing else.

11. Therefore, this writ petition is devoid of merits and is liable to be dismissed. Accordingly, this Writ petition stands dismissed. Insofar as the implead petition in W.M.P.No.2581 of 2023 is concerned, the petitioner is the accused in both the cases registered by the fifth respondent and as such, he has no say in the impleading petition. Therefore, the Writ Miscellaneous Petition is also dismissed. There shall be no order as to costs.

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Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
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G.K.ILANTHIRAIYAN. J.

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To

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