



W.P.(MD) No.20563 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2023

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THE HONOURABLE DR.JUSTICE D.NAGARJUN

W.P.(MD) No.20563 of 2023

M/s.Tirunelveli Solar Project Private Limited,
represented through its
Authorised Signatory,
K.Murugan, Thoothukudi District.

... Petitioner

/vs./

1.The Superintendent of Police,
Thoothukudi District.

2.The Inspector of Police,
Kadambur Police Station,
Thoothukudi District.

3.The Superintending Engineer,
(NCES-Non-Conventional Energy Source),
TANGEDCO, Tirunelveli.

4.K.Shanmugam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to give proper police protection to the petitioner company based on the complaint dated 01.04.2022 and considering the persisting problem created by the 4th respondent till day.



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For Petitioner : Mr.P.Muthuvijayapandian
For R1 and R2 : Mr.B.Thanga Aravindh
Government Advocate (criminal side)

ORDER

This Writ Petition is filed under Article 226 of the Constitution of India seeking protection to the petitioner company basing on the complaint dated 01.04.2022.

2.It is submitted by the learned counsel for the petitioner that the petitioner company, which has been dealing with establishment and development of Solar Power Energy, has been produced approximately 102 MW of power in 380 acre land situated at Oonamakkulam Village having purchased from various original owners. It is submitted that the unofficial respondent No.4 by not making the petitioner company as party has filed O.S.No.114 of 2017 on the file of the District Munsif Court, Kovilpatti seeking for cancellation of the sale deed executed in favour of the petitioner's predecessor. The said suit was decreed ex parte on account of the collusion between the parties and on the strength of the said ex parte decree, the unofficial respondent No.4 is trying to interfere and is obstructing the generation of the electricity, thereby the petitioner has filed an



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application on 01.04.2022 before the police seeking protection, but there was no action and therefore, sought for suitable directions.

3.The learned Government Advocate (Crl.side) submits that the representation of the petitioner is registered as CSR.No.108 of 2022 and an enquiry was initiated, wherein both the parties appeared before the police and the police have severely warned the unofficial respondent No.4, on which both of them have agreed to resolve their disputes before the civil Court.

4.The petitioner precisely wanted an injunction order to be granted against the unofficial respondent No.4 from interfering with the possession of the petitioner company including generation of the electricity. The petitioner stated to have filed O.S.No.119 of 2022 on the file of the District Munsif Court, Kovilpatti seeking injunction order against the unofficial respondent No.4 and also stated to have filed an application for interim injunction, which is stated to be pending.

5.However, the unofficial respondent No.4 is not expected to disposes the petitioner and obstruct from producing the energy without following due process



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of law. In case if the unofficial respondent No.4 either commits an offence or makes an attempt to commit an offence and in case if any complaint is filed by the petitioner, the respondent police are directed to consider and dispose of the same as expeditiously as possible by following due process of law.

6.with the above directions, this Petition is disposed of. No costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

25.08.2023

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Issue order copy on 28.08.2023

To

- 1.The Superintendent of Police,
Thoothukudi District.
- 2.The Inspector of Police,
Kadambur Police Station,
Thoothukudi District.



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DR.D.NAGARJUN, J.

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