



CRL OP(MD)No.8471 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 30.07.2024

PRESENT

THE HON`BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD)No.8471 of 2024

S.Indumathi

... Petitioners

Vs

- 1.The State Represented by
The Superintendent of Police,
Dindigul District.
- 2.The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
- 3.Kumaravadivel
- 4.F.Robin Solution Private Limited,
represented by its Manager Johnson
Chinupatti, Kopaipatti Village,
Nilakottai Taluk, Dindigul District.
- 5.S.Vijayarajan,
Additional Government Pleader,
Advocate and Notary,
16, Pandian Nagar, Dindigul.



CRL OP(MD)No.8471 of 2024

6.The Assistant Electrical Engineer,
Tamil Nadu Electricity Board,
Vadamadurai.

7.The Chairman,
TANGEDCO,
Chennai.

[R5 and R6 are *suo-motu* impleaded
vide order dated 11.07.2024 and R7 is
impleaded is impleaded vide order
dated 26.07.2024]

... Respondents

Prayer : Petition filed under Section 482 Criminal Procedure
Code to direct the 1st and 2nd respondents not to harass the petitioner
and family members and directing the respondent Nos.1 and 2 to
interfere the civil dispute pending in OS.No.351 of 2023 on the file
of the Sub-Court, Vedasanthur.

For Petitioner : Mr.S.Karthik
For Respondent : Mr.M.Sakthi Kumar
Nos.1 & 2 Government Advocate (CrlSide)
For Respondent : M/s.Kokilavani
Nos.3 & 4 For Mr.M.Mahaboob Atiff
For Respondent : Mr.H.Lakshi Shankar
No.5
For Respondent : Mr.S.Deenadhalayan
No.6



CRL OP(MD)No.8471 of 2024

ORDER

WEB COPY

The petitioner a farmer has approached this Court seeking a direction as against the 1st and 2nd respondents not to harass her and her family members and also to restrain them from interfering with the civil dispute pending before the Sub Court, Vedasenthur in OS.No.351 of 2023.

2.The case of the petitioner is that she is having an ancestral property in SF.Nos.815, 811/1E, 721, 811/1H in Sindhuvarpatti Village, Vedasenthur Taluk, Dindigul District to an extent of 3.46 acres, along with a well and a house. The petitioner claims that she has been residing in the land and also doing agricultural activities. The petitioner is said to have borrowed a sum of Rs. 8 lakh from the 3rd respondent on 04.06.2019 and as a surety, she was directed to execute a document in favour of the 3rd respondent. She further claims that a loan agreement was entered into on 03.06.2019 between the petitioner Indumathi and one Sivakumar,



CRL OP(MD)No.8471 of 2024

S/o.Chinnathambi, Nagankalathur, Vedsenthur. At the same time a sale deed was also executed on 04.06.2019 in favour of one Kumaravadivel / 3rd respondent herein, who is a partner of MSK Finance Company of Kolathur Palam Village, Kodumudi Taluk, Erode District.

3.According to the petitioner this sale deed was forced to be executed by the finance company for the purpose of security. The further case of the petitioner is that she is paying a sum of Rs.40,000/- towards interest to the 3rd respondent. However during the pandemic period, she could not pay the interest amount. In the meantime the 3rd respondent taking advantage of the sale deed dated 04.06.2019, which was executed for the purpose security, has created further document in favour of 4th respondent. On coming to know this, the petitioner has filed a suit in OS.No.351 of 2023 before the Sub Court, Vedsenthur seeking declaration to declare the sale deed executed in favour of 3rd and 4th respondents as null and void. Since the petitioner has filed a civil suit, the 3rd and 4th



CRL OP(MD)No.8471 of 2024

respondents in order to evict her from the land, with the help of the electricity board and the respondent police attempted to evict this petitioner by disconnecting the electricity service connection. The petitioner has informed the same to her Advocate and he has also issued a legal notice to the respondent police and subsequently she has approached this court with the above prayer.

4.The learned Counsel for the petitioner submits that the loan agreement was made on 03.06.2019 and the sale deed was created on 04.06.2019 on the next day in favour of the 3rd respondent, who is the partner of MSK finance company. The learned Counsel by referring to the sale deed dated 04.06.2019 submits that it is recorded in the sale deed that possession of the property was handed over to the purchaser. However according to the petitioner the possession of the property is still with her and she is residing in the house, where she is also paying property tax and the electricity consumption charges. The learned Counsel for the petitioner has also referred to the challan dated 16.11.2020 for having paid a sum of



CRL OP(MD)No.8471 of 2024

Rs.50,000/- towards MSK finance company and the receipt dated 20.02.2019 for Rs.25,000/- issued by MSK motor credits, the sister concern of MSK finance company

5.The learned Counsel has also enclosed the photographs in the additional typed set of papers, exhibiting the attempt made by the electricity board officials with the help of police officials in evicting this petitioner by disconnecting the electricity service connection.

6.Considering the allegations made in this petition, this Court *suo motu* impleaded one S.Vijayarajan, Additional Government Pleader, Advocate and Notaray and the Assistant Electrical Engineer, Tamil Nadu Electricity Board, Vadamadurai as party respondents to this criminal original petition and directed them to file a report before this Court. This Court has also directed the Deputy Superintendent of Police to look into the issue and to file a report.



CRL OP(MD)No.8471 of 2024

7. The Deputy Superintendent of Police, Vedasenthur

Sub Division has filed a report that the subject property belongs to the father-in-law of the petitioner one Chinnathambi, he sold the property to one Alagarsamy, S/o.Rasu Chettiyar of Ayyalur. She has purchased the same on 03.06.2019 from the said Alagarsamy and on the next day on 04.06.2019, she borrowed a sum of Rs.8 lakh from MSK finance company and for the same, another sale deed was executed on 04.06.2019 to the 3rd respondent. The DSP has stated that this sale deed has been created as a collateral security. The petitioner's family has paid a sum of Rs.3,14,250/- towards interest upto the year 2020 for the said loan. Under such circumstances, one Vengan has come forward to settle the loan amount and on his request, the 3rd respondent has executed the sale deed in favour Vengan, who in turn sold it to the 4th respondent on 05.10.2023. Subsequently, the 4th respondent has made a request to the Assistant Electrical Engineer, TNEB, Vadamadurai to disconnect the free electricity service connection, which has been provided to the agricultural land. The electricity board officials in turn sought for



CRL OP(MD)No.8471 of 2024

police protection from the 2nd respondent police. The 2nd respondent police in turn has informed the same to the DSP. The DSP has instructed the Inspector of Police not to provide any police protection, as it is a civil dispute. However the 2nd respondent has provided police protection to the Assistant Engineer one Mathaneeswaran for disconnecting the electricity service connection. The DSP has fairly admitted that the Inspector of Police, Vedasenthur has gone to the place of occurrence on 06.06.2024 along with the police officials. Further all other officials were not aware for what purpose they had been taken to the place of occurrence. He has confirmed that one Antony, staff of the 4th respondent has approached the 2nd respondent on 06.06.2024 at about 2.20 pm and the 2nd respondent has taken the other police officials and gone to the place of occurrence at 2.35pm. He has further stated that disciplinary proceedings were initiated as against the Inspector of Police in C.No.F2/P.R.No.59/24, dated 08.07.2024 for interfering in the civil dispute without getting prior permission or without informing the higher officials. He has also been transferred



CRL OP(MD)No.8471 of 2024

from Vadamadurai to Ayakudi Police Station, Palani Sub- division.

WEB COPY

8.The 5th respondent / Additional Government Pleader has filed a counter affidavit stating that a request was made from the Junior Engineer, TANGEDCO, seeking opinion for disconnecting the free electricity service connection given to a person, pending civil suit. He gave legal opinion that there is no interim order in the civil suit and therefore, there is no impediment for disconnecting the electricity service connection.

9.The Inspector of Police has given written instructions to the learned Government Advocate (Crlside) that he went to the place of occurrence at the request of the electricity board officials. According to him, the Assistant Electrical Engineer, Vadamadurai had made a request on 21.05.2024 to provide police protection for disconnecting electricity service connection. The electricity board officials attempted to disconnect the electricity service connection twice on 23.05.2024 and on 28.05.2024. Further the electricity board officials



CRL OP(MD)No.8471 of 2024

were threatened and attacked by the petitioner and the family members on 06.06.2024 resulting in injury and therefore, at the request of the electricity board officials the police went to the place of occurrence.

10.This Court considered the rival submissions and perused the materials placed on record.

11.The electricity board officials have disconnected the free electricity service connection, which was provided to a well in SF.Nos.815, 811/1E, 721, 811/1H in Sindhuvarpatti Village, Vedasenthur Taluk, Dindigul District. This land originally belonged to the father-in-law of the petitioner. However the sale deed was executed by the petitioner on 04.06.2019 and the person who has purchased the property is the 3rd respondent. He sold the property to one Vengan, who in turn sold the property to the 4th respondent. The 4th respondent, the present owner has made a request to the Assistant Electrical Engineer, Vadamadurai to disconnect the free



CRL OP(MD)No.8471 of 2024

electricity service connection, which stands in his name. He has also paid necessary charges for disconnection. Since the owner of the property has made a request, the electricity board officials have also disconnected the free electricity service connection by obtaining legal opinion from the 5th respondent in order to safeguard them.

12.This Court perused the sale deed dated 04.06.2019. As per the tenor of the sale deed, sale deed was executed by the petitioner in favour of the 3rd respondent for a sale consideration of Rs.3,19,000/-. Admittedly the petitioner Indumathi is not the owner of the property, which is her ancestral property. It is not known how the sale deed has been executed by the petitioner in favour of the 3rd respondent. The fact remains that one day prior to the sale, the petitioner has borrowed a sum of Rs.8 lakh from one Arunachalam of MSK finance company. The case of the petitioner is that the sale deed dated 04.06.2019 was executed on the compulsion of the finance company as a surety towards loan amount. This contention of the petitioner cannot be ruled out, since the possession of the



CRL OP(MD)No.8471 of 2024

property is still with the petitioner, but in the sale deed it is stated that the possession of the property was handed over to the purchaser on the date of sale. The petitioner is also having documents to substantiate her case that she has borrowed the loan and she has also paid the interest to the MSK finance company. The 3rd respondent / money lender is a partner of the MSK finance company.

13.Be that as it may, the petitioner has filed a civil suit to declare the sale deed dated 04.06.2019 as null and void and the same is pending before the Sub Court, Vedaesenthur in OS.No.351 of 2023. While so, the 3rd respondent has transferred the property to one Vengan, from whom the 4th respondent has purchased the property. The 3rd and 4th respondents though have not taken the possession of the property, were able to transfer the electricity service connection in their names and made a request to the Tamil Nadu Electricity Board to disconnect the free electricity service connection.



CRL OP(MD)No.8471 of 2024

14.The free electricity service connection is a valuable one to the agricultural lands. However the person who is said to have purchased the agricultural land has made a request for disconnecting the free electricity service connection. Therefore the contention of the petitioner that all these had been done only in order to evict the petitioner forcibly, is having some force. The Assistant Electrical Engineer, TANGEDCO, Vadamadurai knowing very well that the person who has made a request for disconnecting the electricity service connection, is not residing in the land and the land is in possession of the petitioner, even after knowing the pendency of the civil suit between the parties, he has sought for legal opinion to the law officer to disconnect the electricity service connection, as if it is his predominant duty to disconnect the electricity service connection. The law officer / 5th respondent also used his legal brain, gave opinion enabling the Assistant Electrical Engineer to disconnect the electricity service connection. Apprehending law and order issue, they have also availed the services of the 2nd respondent Inspector of Police, Vadamadurai. The trio have disconnected the



CRL OP(MD)No.8471 of 2024

free electricity service connection, an easy way of evicting the petitioner from her agricultural land.

15. The officials are provided with certain powers only to discharge their duties diligently and if the officials are abusing such powers, the public will be the sufferers. The money lender, who has purchased the property taking advantage of the poverty of the farmer, has found an easy way to evict the farmer from her agricultural land. He has purchased the property without taking possession of the property and has used the Assistant Electrical Engineer, TANGEDCO, Vadamadurai and the Inspector of Police, Vadamadurai Police Station to evict the petitioner from her agricultural land.

16. It appears that the Police department has acted swiftly as against the Inspector of Police, who has interfered with the civil dispute, to evict the petitioner unauthorisedly. However the electricity board has not acted in a fair manner like Police



CRL OP(MD)No.8471 of 2024

Department, but they are attempting to protect the Assistant Electrical Engineer, who is instrumental in disconnecting the free electricity service connection in order to evict the petitioner and to strengthen the case of the 4th respondent in the civil suit.

17. In view of the above discussion, this criminal original petition is disposed of with the following directions:

(i) Since the Superintending Engineer is not fair enough to correct the mistake done by their officials by initiating necessary departmental proceedings as against the Assistant Electrical Engineer, this Court *suo motu* impleads the Chairman, TANGEDCO as party respondent to this petition, directs him to look into the issue and to take appropriate action as against the erring officials, who had acted in an unusual manner, by obtaining legal opinion, getting police protection and disconnecting the free electricity service connection of a poor farmer.



CRL OP(MD)No.8471 of 2024

(ii) This Court directs the 6th respondent to restore the said disconnected electricity service connection forthwith.

(iii) The manner in which the legal opinion provided by the 5th respondent would expose the integrity of the law officer appointed by the department. Therefore this Court directs the District Collector, Dindigul to review the appointment of the 5th respondent / the law officer, after conducting a thorough enquiry.

30.07.2024

Index: Yes / No

NCC: Yes/ No.

DSK



CRL OP(MD)No.8471 of 2024

WEB COPY

To

- 1.The Superintendent of Police,
Dindigul District.
- 2.The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
- 3.The Chairman,
TANGEDCO,
Chennai
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The District Collector,
Dindigul



WEB COPY



CRL OP(MD)No.8471 of 2024

B.PUGALENDHI,J

DSK

CRL OP(MD)No.8471 of 2024

Date :30.07.2024