



Crl.O.P.(MD)No.20778 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20778 of 2024

S.Durairaj

.. Petitioner

Vs

1. The Superintendent of Police
Tirunelveli District
Tirunelveli

2. The Sub Inspector of Police
Radhapuram,
Tirunelveli District

3. Kumarasamy

4. Durai Babu

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to direct the second respondent herein not to interfere dispute on the guise
of enquiry on the basis of the petitioner's representation dated 16.11.2024

For Petitioner : Mr.S.Vinayak

For Respondents : Mr.A.Thiruvadi Kumar
No.1& 2 Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed to direct the second respondent herein not to interfere dispute on the guise of enquiry on the basis of the petitioner's representation dated 16.11.2024.

2. The petitioner has sent a representation on 16.11.2024 for the encroachment made by one Duraibabu and using the petitioner's land as throughway using his heavy vehicle to oil mill . The petitioner had purchased the property to an extent of 30 cents vide document No.4662 of 2020 and thereafter he was in possession and enjoyment of the property. Now the petitioner is contemplating to have a poultry farm. The said Duraibabu who is running a KTV oil Mill in the adjacent property who has got a separate approach to his property since he feels it difficult to approach the main road the property of the petitioner is being used as a way for heavy vehicle. When the same was objected one Soundarapandian and Chandrasekar had come in support of Duraibabu and threatened the petitioner and also abused him. Further by constant plying of heavy vehicle the property of the petitioner is getting damaged. The petitioner had lodged a compliant on 06.11.2024 for which CSR No.680 of 2024



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assigned no action has been taken. The petitioner has made another complaint on 10.11.2024 and CSRNo.699 of 2024 assigned. In the meanwhile without conducting proper enquiry in contra to the circular issued by the Additional Director of Police, in C. No.18/ ADGP/ L&O/Camp/2024, dated 09.01.2024 the Sub Inspector of Police attached to the police station is pressurizing the petitioner to give 10 feet land as pathway in the patta land of the petitioner to facilitate Duraibau to use the land for his oil mill, hence sought appropriate action against them.

3. The learned Additional Public Prosecutor submitted that on the complaint of the petitioner CSR No. 680 of 2024 assigned on 06.11.2024 and both petitioner and the counter petitioner were called for enquiry and after enquiry it was closed on 06.11.2024 on the undertaking given by Durai Babu and Kumarasamy that they will not use the petitioner's land as throughway . No vehicle will be driven by them or at their instance and they will not interfere in the petitioner's peaceful possession and enjoyment over the property. Further on the second complaint CSR No. 699 of 2024, enquiry was conducted on 13.11.2024 and during enquiry the said Duraibabu told that no four wheeler heavy vehicles will be plied in the land of the petitioner. Further only two wheelers are used by Durai



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Babu and not by others. Further the Duraibabu had given an undertaking that only after getting permission from the petitioner the vehicles will pass by. Recording the same the second complaint was also closed. He further submitted that from the Radhapuram Police Station no Sub Inspector has exerted pressure on the petitioner to give 10 feet pathway in his pattaland for his oil mill. He further submitted that Rajesh , Sub Inspector of Police who had enquired both the petitions was informed that he will not exert pressure to the petitioner to give 10 feet land. He further submitted that proper instructions would be given to the police to not to interfere in the civil dispute and in case of any continuous encroachment appropriate action to be taken against the offenders.

4. Recording the submission made by the learned Additional Public Prosecutor, this Criminal Original Petition stands closed.

28.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Superintendent of Police
Tirunelveli District
Tirunelveli
2. The Sub Inspector of Police
Radhapuram,
Tirunelveli District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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