



W.P.(MD)No.27714 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.27714 of 2023

ESCEE Industries Pvt.Ltd.,
Represented by Ashok Kumar Alagappan,
S/o.Alagappan,
Melmanthai,
Vilathikulam Taluk,
Tuticorin District.

: Petitioner

Vs.

1.The Superintendent of Police,
Thoothukudi District.

2.The Deputy Superintendent of Police,
Vilathikulam Sub-Division,
Thoothukudi District.

3.The Inspector of Police,
Vilathikulam Circle,
Thoothukudi District.

4.Jeyaraj
5.Selvaraj
6.Lourdhu Packiam
7.Gnanaprakasam

: Respondents



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PRAYER : Writ Petition filed under Article 226 of Constitution of India praying to issue a writ of mandamus directing the respondents 1 to 3 to provide adequate protection to the life of the petitioner's employees, staff and men and to the petitioner's property in Survey No.14 of Periasamypuram Village for harvesting of the salt and gypsum based on the representation of the petitioner dated 11.11.2023.

For Petitioner : Mr.G.R.Hari
for M/s.Tatva Legal Chennai
For R1 to R3 : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)
For R4 to R7 : Mr.P.M.Vishnuvarthanan

ORDER

This writ petition has been filed for issuance of writ of mandamus directing the respondents 1 to 3 to provide police protection to the petitioner's employees, staff and man for harvesting of salt and gypsum in the subject property.

2.Heard the learned counsel appearing on either side and perused the materials placed on record.



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3.The petitioner was claiming ownership over the property by means of ryotwari patta. The Government issued G.O.Ms.No.256, dated 10.07.2012, thereby ryotwari patta was cancelled on the ground that the property in question is a water body. This Government order was put to challenge in W.P.No.14179 of 2013. The learned Single Judge of this Court by an order dated 27.04.2013 dismissed the writ petition. Aggrieved by the order passed by the learned Single Judge, an appeal was filed by the petitioner in W.A.No.2416 of 2023. The Division Bench of this Court while entertaining the appeal, also passed an interim order dated 11.09.2023 ordering status quo to be maintained as on the date the order was passed.

4.The grievance of the petitioner is that taking advantage of the order passed by the learned Single Judge, some of the persons started to encroach upon the property and broke the bunds by digging the land with the help of JCB machines. The complaints that were given to the police seeking for protection and to take action also did not evoke any response. It is under these circumstances, the present writ petition has been filed before this Court.



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5.The Division Bench has entertained the writ appeal and passed an interim order as follows:

“Heard Ms.Chitra Sampath, learned Senior Counsel for the appellant.

Learned Senior Counsel for the appellant submits that at no time the subject writ property was a water body. The predecessor-in-title of the petitioner was granted patta in the year 1961. The land was used as a salt pan. There was no private tank.

Mr.P.Muthukumar, learned State Government Pleader, appears for respondents and seeks time to take instructions.

List the appeal on 03.11.2023. Till then, status-quo as on today will be maintained.”

6.The Division Bench has made it clear that the status quo of the property shall be maintained as on the date when the interim order was passed on 11.09.2023. When such an interim order is passed, the private respondents and others cannot enter into the property and start using JCB machines and destroy the property. The order of the learned Single Judge, which is now the subject matter of appeal, does not permit the private respondents and others to take law into their own hands. If at all they have any grievance, they can only work out the same by filing an appropriate petition before the Court in the pending writ appeal. However, they



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entered the property and started to destroy the same by using JCB machines, which will only amount to contempt of Court, since it is in violation of the interim order passed by the Division Bench on 11.09.2023. Even as a single Judge, the High Court being the Court of records under Article 215 of the Constitution of India, I can take cognizance of the same and if required, can initiate contempt proceedings. I do not propose to take such an adverse step against the private respondents, since the learned counsel for the private respondents submitted that the private respondents will not enter into the property and cause any threat and they will work out their remedy in the pending writ appeal. Considering this submission made by the learned counsel for the private respondents, I do not propose to initiate any contempt proceedings against the private respondents.

7.It is made clear that the status quo of the property shall be maintained and no one shall change the character of the property till the writ appeal is finally disposed by the Division Bench. If any one attempts to cause any disturbance or any threat to the employees/staff of the petitioner Company, the third respondent shall take immediate action in accordance with law and shall ensure that the interim order passed by the Division Bench dated 11.09.2023 is respected in letter and spirit by both



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sides.

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8.This writ petition is disposed of on the above terms. No costs.

18.12.2024

NCC : Yes/No
Index : Yes / No
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To

- 1.The Superintendent of Police,
Thoothukudi District.
- 2.The Deputy Superintendent of Police,
Vilathikulam Sub-Division,
Thoothukudi District.
- 3.The Inspector of Police,
Vilathikulam Circle,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH, J.

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