



W.P.(MD)No.2284 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2025

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THE HON'BLE MR.JUSTICE P.DHANABAL

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M.Thamil selvan

... Petitioner

Vs.

1. The Superintendent of Police
Thoothukudi District

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

3. The Superintendent Engineer
TANGEDCO, South Zone
Thoothukudi

4. The Assistant Engineer
TANGEDCO, South Zone
Thoothukudi

5. Banumathi

6.Kanthimathinathan @ Ashok

7. Rahul @ Muthuswamy

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, seeking a Writ of Mandamus directing the respondents 1 and 2 to



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award police protection to the employees of the TANGEDCO while the work with regard to erection of pole and restoration of electricity in service connection No.073420191106 is undertaken by the 3rd respondent in the light of the payment made on 10.01.2025 via receipt No. PGCCAN706426846 and by considering the complaint in C.S.R.No. 153/2025 pending on the file of the second respondent

For Petitioner	: Mr.R.Anand
For Respondents No. 1 and 2	: Mr. M.Sakthi Kumar Government Advocate(Crl.Side)
No.3 and 4	: Mr.S.Dheenadhayalan Standing Counsel
No.5 to 7	: Mr.Radhakrishnan

ORDER

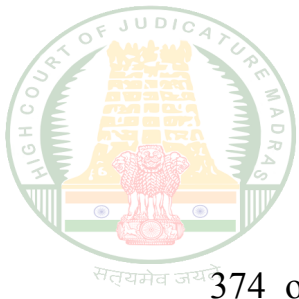
The prayer sought for in the present writ petition is to direct the the respondents 1 and 2 to award police protection to the employees of the TANGEDCO for the work with regard to erection of pole and restoration of electricity service connection No.073420191106 while undertaking by the third respondent in the light of the payment made on 10.01.2025 via receipt No. PGCCAN706426846 by considering the complaint in C.S.R.No. 153/2025 pending on the file of the second respondent.



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2. The learned counsel appearing for the petitioner would submit that the petitioner is running a hotel in the name and style of Banu Brindhavan Green Park and it has an annexure of banquet hall, marriage hall, children park along with multicuisine restaurant. Originally the property was rented through an agreement dated 06.01.20210 by one of the legal heirs of K.Muthusamy. Thereafter the sixth respondent along with his mother executed a tenancy agreement and received a sum of Rs.15,00,000/- as advance and monthly rent was fixed as Rs.50,000/-. At the time of entering into agreement the building was in a dilapidated condition and the super structure was also given to his father as theatre. Thereafter his father nearly spent Rs.5 Crores for developing the building and thereafter the tenancy agreement was periodically renewed by enhancing 10% of the rental money. While so, on 10.10.2016 the mother of the fifth respondent Banumathy passed away. Thereafter there was misunderstanding among the legal heirs of S.P.M.K.Muthusamy Pillai with respect of right and enjoyment of the family property, thereby one of the legal heir M.Devika has sent a legal notice demanding 1/3 share from the monthly rent. Therefore she filed a civil suit in O.S.No.



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374 of 2024 before the District Court, Tirunelveli and the same is pending. While the facts are being so, the fifth respondent by adopting 3rd degree method with the association of his son and daughter attempted to evict the petitioner by obstructing the ingress and egress of the customers entering into the above said premises and also they damaged the electric pole and meter box to cause disturbance to the petitioner. Immediately the petitioner approached the second respondent by way of complaint for which CSR No. 50 of 2025 assigned and the same is pending. In the meantime, the petitioner also received notice from the fifth respondent and directed the private respondents to vacate the premises. Therefore First Information Report has been registered in Crime No.32 of 2025 based on the complaint given by the petitioner. While so the petitioner asked the EB authorities to maintain electric pole which was damaged by the private respondents. The petitioner also paid a sum of Rs.1,31,315/- as costs for erecting pole and to restore the service connection, but the sixth respondent purposefully obstructed and restrained the officials from erecting pole and to restore the electric pole which was damaged, hence seeks police protection.



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3. The learned counsel appearing for the respondents 1 and 2 would submit that there is a dispute between the petitioner and the private respondents, thereby the private respondents are causing obstruction, therefore the petitioner has given complaint dated 13.01.2025. They issued CSR No.153 of 2025 and thereafter First Information Report has been registered for the offences under Sections 296(b), 341(3) of BNS and Section 3 of TNPPDL Act and the same is under investigation. In the meantime, in order to restore the electricity connection and to erect pole the petitioner approached the respondents 3 and 4 and when they attempted to erect pole and restore the damaged pole the private respondents herein obstructed since there is a dispute pending between the parties and submitted that they will abide by the orders of this Court.

4. The learned counsel appearing for the respondents 3 and 4 would submit that the petitioner was running a hotel and thereafter the electric pole was damaged and service connection was disconnected. This occurrence was happened on 05.01.2025 and thereafter they



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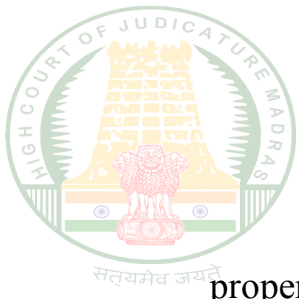
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received a complaint from the petitioner. The petitioner has also paid a sum of Rs.1,31,315/- as costs for erecting pole and restoring the electric connection. When the respondents 3 and 4 went to the place of occurrence the private respondents obstructed them from doing their work, therefore they have approached the concerned police for police protection and the police is also insisting to get the orders from the Court.

5. The learned counsel appearing for the respondents 5 to 7 would submit that this Court cannot grant police protection on the ground that there is a civil dispute pending between the parties in respect of tenancy.

6. Heard both sides and perused the materials available on record.

7. In this case it is admitted fact that there is tenancy dispute pending between the parties. The petitioner is a tenant and the respondents 5 to 7 are also one of the share holders of the disputed property and there is a misunderstanding between the share holders. The petitioner is also running a hotel in the disputed property and due to



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property dispute the electric pole installed in the land was damaged by the private respondents and the service connection was also disconnected due to the damage of the electric pole. Now the petitioner approached the respondents 3 and 4 for restoration of service connection and erection of new pole by removing the damaged pole. The petitioner also paid the requisite fees to the respondents 3 and 4. Already the petitioner has lodged a complaint against the private respondents for damage caused by them before the second respondent and the second respondent also registered a case in Crime No. 32 of 2025 for the offences under Sections 296(b), 341(3) of BNS and Section 3 of TNPPDL Act and counter case also registered against this petitioner and the same is also pending. While so, the private respondent obstructed the respondents 3 and 4 at the time of restoring the electric pole and while giving service connection.

8. It is an admitted fact that the petitioner is in possession of the property and running a hotel and already there is a First Information Report registered against the private respondents for the damage of electric pole and due to damage of electric pole service connection was



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also disconnected by the respondents 3 and 4. For the dispute in respect of tenancy civil Court has to decide in the pending suit. However the petitioner is in possession of the property by running hotel in the property and for that hotel he also obtained service connection and the said connection was also disconnected due to the damage of electric pole by the accused. Now to restore the same the petitioner seeks police protection.

9. In view of the said discussions this Court without going into the merits in respect of tenancy rights of the parties and considering that already electricity service connection was in existence in the building and thereafter due to damage of electric pole it was disconnected and the petitioner also paid the requisite fees to the respondents 3 and 4 for restoration, it is appropriate to direct the respondents 1 and 2 to give police protection for restoration of electric pole and service connection. The tenancy rights of the parties is left open and the parties can approach the appropriate forum in accordance with law.



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10. In the result, this Writ Petition stands allowed and the respondents 1 and 2 are directed to give police protection to the respondents 3 and 4 for restoration of electric pole and service connection as prayed for in the writ petition.

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NCC : Yes / No

Index : Yes / No

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To

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Thoothukudi District

2. The Inspector of Police
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Thoothukudi,
Thoothukudi District

3. The Superintendent Engineer
TANGEDCO, South Zone
Thoothukudi

4. The Assistant Engineer
TANGEDCO, South Zone
Thoothukudi

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P.DHANABAL, J.

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