



WPCrl(MD)No.311 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

WP Crl(MD)No.311 of 2025

Saminathan

... Petitioner

Vs.

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Taluk Police Station, Thanjavur District.
- 3.The Inspector of Police,
Taluk Police Station,
Thanjavur District.
- 4.Gunasekaran

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to direct the 1 to 3 respondents to take appropriate legal and criminal action based upon the complaint dated 14.06.2025 against the individuals who trespassed and destroyed the petitioner's property as per the CCTV evidence and complaint and provide police protection to him and the petitioner's family to ensure their safety.



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WPCrI(MD)No.311 of 2025

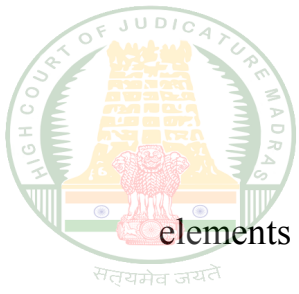
For Petitioner : Mr.R.Senthil Kumar

For R1 to R3 : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

ORDER

The petitioner is a septuagenarian and a resident of Kollankudi Village. He has lodged a complaint as against the Village Administrative Officer and few others before the respondent police on 14.06.2025 that they trespassed into his land and damaged 50 coconut trees and 100 banana trees in his property on 05.06.2025 at about 11.30pm. The petitioner has lodged a complaint through online on 06.06.2025, however the accused have again trespassed into his land on 11.06.2025 at about 11.05 pm and caused damages. Therefore, he has lodged another complaint on 14.06.2025, through registered post and filed this writ petition seeking a direction to the respondent police to take action on the complaint of this petitioner dated 14.06.2025.

2.The petitioner claims that he is having property in S.No.76/18 to an extent of 96 cents at Kollangudi village, Thanjavur district. The village president with the intention to grab the petitioner's property created a mud pathway in the petitioner's property with the help of the local anti social



WPCrI(MD)No.311 of 2025

elements and using his police power. Hence the petitioner has constrained to initiate a suit for injunction in OS.No.292 of 2012 before the District Munsif Court, Thanjavur District and the suit has been decreed in favour of the petitioner on 29.04.2021. The Village President has not preferred any appeal against the order passed in OS.No.292 of 2012. He further claims that the Village Administrative Officer again attempted to disturb the possession of the petitioner and therefore, he has filed a writ petition before this court in WP(MD)No.4371 of 2022 seeking relief of mandamus, restraining the Village Administrative Officer and others from interfering in his property situated in S.No.76A/18, 76A/18C, 76A/9D and 76B Kollankarai Village and the writ petition has been disposed of by order dated 27.11.2023 as under:

“It is stated by the learned Additional Government Pleader that to set aside the same, I.A.No.430 of 2023 has been filed. So long as the decree in favour of the petitioner is holding the field, it would not be property on the part of the 5th respondent to lay any road. To satisfy my conscience, I called upon the learned Special Government Pleader to produce the revenue record. It is seen that some of the petition mentioned survey numbers have been described as “நிலவியல் பாதை”.



WPCrI(MD)No.311 of 2025

3.The learned counsel for the petitioner submits that de hors the judgment and decree passed by the civil court in OS.No.292 of 2012, dated 29.04.2021 and the orders passed by this court in WP(MD)No.4371 of 2021, dated 27.11.2023, the Village Administrative Officer and others attempted to form a road in the petitioner's property and therefore, this petitioner has filed a contempt petition before this court in Cont.P(MD)No.2770 of 2024. This court issued a statutory notice, thereafter the officials removed the road formed in S.No.76A/18 at Kollankarai village and therefore, this court has closed the contempt petition. Thereafter in order to prevent further encroachments, by the Village Administrative Officer and others, this petitioner has planted 100 banana trees and 50 coconut trees in his land. The village president along with few other persons has again trespassed into his property on 05.06.2025 at about 11.30pm and destroyed the banana and coconut trees. Therefore the petitioner has lodged the above complaint along with CCTV footages and filed this petition seeking a direction to take appropriate action as against the village president and others, who have destroyed the plantations.

4.Considering this submission of this petitioner, this court by its earlier order directed the respondent police to file a report before this court.



WPCrI(MD)No.311 of 2025

5.The Sub Inspector of Police has filed a report that the petitioner has planted trees in the public road and has also fenced the same, preventing the access of the villagers and therefore, on the request of the general public the Tahsildar along with the Revenue Divisional Officer visited the place of occurrence and has removed the fencing. The sub Inspector of police has admitted that the plantations made by this petitioner have been removed by the general public. Though the Sub Inspector of Police claims that the complaint of this petitioner was treated as petition enquiry, but he has not furnished the details of the registration number and the outcome of the enquiry.

6.This court considered the rival submissions made and perused the materials placed on record.

7.The petitioner claims that when the village president attempted to create a mud pathway in his property, he filed a civil suit in OS.No.292 of 2012 and obtained decree in his favour. When it was again disturbed by the village president, this petitioner filed a writ petition before this court in WP(MD)No. 4371 of 2022 and has also obtained another order in his favour restraining the Panchayat President from laying any road till the disposal of IA No.430 of



WPCrI(MD)No.311 of 2025

2023. Even thereafter the road was laid in the year 2024 and therefore, this court has issued statutory notice in contempt proceedings filed by the petitioner in Cont.P(MD)No.2270 of 2024. It appears that after the orders of this court in the contempt petition, the official respondents have removed the road in S.No.76A/18 of Kollankarai Village. In these circumstances, it appears that the plantations made by this petitioner in his land have been destroyed by the panchayat president and others. However, the respondent police claims that there is an existing pathway and at the request of the general public the Tahsildar and the Revenue Divisional Officer has conducted investigation and removed the fencing put up by the petitioner.

8. When there is a civil court decree in favour of the petitioner, it is not fair on the part of the officials in removing the fencing put up by the petitioner. It is also admitted that the general public has destroyed the plantations made by the petitioner. However the 2nd respondent police has not conducted the investigation in a proper manner.

9. When this court was about to pronounce the order today, the learned Additional Public Prosecutor submitted that they have registered a case in



WPCrI(MD)No.311 of 2025

Crime No.604 of 2025 on 28.08.2025 for the offence under Sections, 329(1), 189(2), 324 of BNS based on the complaint of the petitioner.

10.Considering the manner in which the 3rd respondent has conducted the enquiry on the complaint of the petitioner, the 1st respondent is directed to withdraw the case in Crime No.604 of 2025 from the file of the 3rd respondent and entrust the same to some other sincere police officer and shall ensure that proper investigation is conducted.

11.This writ petition is allowed with the above direction.

29.08.2025

DSK

To

1.The Superintendent of Police,

Office of the Superintendent of Police,
Thanjavur District.

2.The Deputy Superintendent of Police,

Office of the Deputy Superintendent of Police,
Taluk Police Station, Thanjavur District.

3.The Inspector of Police,

Taluk Police Station, Thanjavur District.

4.The Additional Public Prosecutor,

Madurai Bench of Madras High Court, Madurai.

7/8



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WPCrl(MD)No.311 of 2025

B.PUGALENDHI,J

DSK

WP Crl(MD)No.311 of 2025

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