



-1-

Crl.M.P.No.1022 of 2025

IN THE COURT OF THE JUDICIAL MAGISTRATE, KARAIKUDI

PRESENT: THIRU. J.KARMEGAKANNAN, B.A., B.L.,

JUDICIAL MAGISTRATE, KARAIKUDI

Thursday, the 12th day of March 2026

Crl.MP.No.1022 of 2025

CNR No.TNSV19 – 001 – 864 - 2025

B. Veerasekar,

S/o.Balasubramanian

. . . Petitioner

Vs

1. The Superintendent of Police

Superintendent of Police Office,

Sivagangai,

2.The Inspector of Police,

Sakkottai Police Station,

Karaikudi.

. . . Respondents

3.SP.Chinnadurai,

S/o.Subbaiah,

. . . Accused

On today, this petition coming for final hearing before me on 12.03.2026 in the presence of Advocate Thiru.T.Karthikeyan for the Petitioner and being Respondent by the Learned Assistant Public Prosecutor. Upon perusing the records and having stood over for consideration, this court delivers the following.

ORDER

1.The present petition has been filed by the petitioner under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking a direction to the 2nd respondent police to register a First Information Report against the propounded accused for the alleged offences punishable under Sections 2(i)



and 2(ii) of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 and Sections 324(2), 324(5), 326(b), 296(b) and 351(2) of the Bharatiya Nyaya Sanhita, 2023.

2. The case of the petitioner in brief is that he is residing at Pudhuvayal Town Panchayat in Door No.213/7 and that the pathway situated in Survey No.213/5 is classified as a public pathway. According to the petitioner, the propounded accused has constructed a house and is residing in Survey No.213/32 and is also stated to be a Union Secretary of a political party. The petitioner contends that the property comprised in Survey No.213/5 is a public way which has been used by the public for a long period of time. It is further stated that the said way was originally laid by the Town Panchayat Board as a cement road and subsequently paver blocks were laid over the same cement road. The grievance of the petitioner is that the propounded accused had parked his car on the said public pathway and when the petitioner questioned the same, the propounded accused allegedly replied that he would continue to do so and challenged the petitioner to do whatever he could. The petitioner has further stated that he has an aged mother and that he has to frequently take her to the hospital. According to him, due to the parking of the vehicle by the propounded accused on the said public pathway, he was unable to bring his car to his house to take his mother to the hospital. In this regard he claims to have lodged a complaint before the 2nd respondent police, but according to him no action was taken as the propounded accused is said to be a politically influential person. Thereafter the petitioner claims to have sent a complaint to the District Collector, Sivagangai and the Superintendent of Police, Sivagangai on



28.04.2025. It is further stated that pursuant to the same, the Assistant Superintendent of Police, Karaikudi, called the propounded accused and instructed him to remove the alleged encroachment, but according to the petitioner the same was not complied with. The petitioner has further alleged that thereafter the propounded accused threatened him and in that regard he lodged another complaint before the 2nd respondent police on 03.05.2025, but even on that complaint no action was taken. The petitioner would further state that on 05.05.2025 at about 08.00 p.m., the propounded accused had damaged the paver block road to an extent of about 5 feet in width and 20 feet in length, removed the paver block stones and put up a fencing covering the said extent. It is stated that he again lodged a complaint before the 2nd respondent on 05.05.2025 but the police had not taken any action. According to the petitioner the accused has continuously prevented the usage of the public pathway by putting up encroachment and the petitioner claims that he has been using the said pathway for the past 33 years. It is further stated that the petitioner had sent another complaint on 07.05.2025 to the Assistant Superintendent of Police, Karaikudi, but even thereafter no action was taken. Hence, stating that cognizable offences are made out, the present petition has been filed seeking direction to register FIR.

3. Per contra, the 2nd respondent has filed a detailed reply stating that based on the complaint given by the petitioner, a Community Service Register entry in CSR No.286 of 2025 was issued. Thereafter both the parties were issued notice and enquiry was conducted. According to the 2nd respondent, since the dispute appeared to be relating to a property issue, the matter was



referred to the Tahsildar, Karaikudi under Section 126 of the Bharatiya Nagarik Suraksha Sanhita for appropriate action. It is further stated that after receipt of notice from this Court in the present petition, once again enquiry was conducted and the 2nd respondent visited the spot and made enquiry. The 2nd respondent has further stated that during the enquiry one Chinnaiah and one Rasu were examined and they stated that on the relevant date they were present at the house of the propounded accused and that the accused had not used any filthy language against the petitioner and only a conversation took place between them. It is further stated that the petitioner had not produced any documentary materials before the police to substantiate his claim regarding the alleged public pathway or the alleged encroachment. The respondent police would further contend that the complaint is essentially relating to a property dispute and therefore the police cannot interfere in such civil disputes. It is also pointed out that the petitioner has already approached the Hon'ble Madurai Bench of the Madras High Court in W.P.(MD) No.18971 of 2025 seeking removal of the alleged encroachment and in the said writ petition the Hon'ble High Court has issued directions to the concerned authorities including the Tahsildar and the Town Panchayat authorities to conduct survey and remove encroachment, if any found. Hence the 2nd respondent prayed for dismissal of the present petition.

4. This Court heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and also carefully perused the materials placed on record.



5. On a careful perusal of the records, it is seen that the petitioner had admittedly lodged a complaint before the 2nd respondent police on 05.05.2025 alleging that the propounded accused had damaged the paver block road and put up fencing in the alleged public pathway. In the said complaint the petitioner had only made allegations relating to the damage caused to the road and the obstruction created in the pathway. Significantly, in the said complaint there is no allegation that the accused had abused the petitioner with filthy language or criminally intimidated him. Based on the said complaint, the 2nd respondent police have issued CSR No.286 of 2025 on the very same day.

6. It is further seen from the records that only thereafter on 07.05.2025 the petitioner has sent another complaint to the Assistant Superintendent of Police, Karaikudi and the Superintendent of Police, Sivagangai wherein he has narrated additional allegations including threat and abusive words. Thus it appears that the subsequent complaint contains certain improvements over the earlier complaint dated 05.05.2025. This circumstance creates doubt with regard to the genuineness of the allegations now made in the present petition. Moreover, the earlier compliants dated 28.04.2025 and 03.05.2025 has not been produced before this court.

7. Further, though the petitioner has stated that he had lodged several complaints prior to 05.05.2025 before various authorities, none of those alleged complaints have been produced before this court. In the absence of any such materials, the contention of the petitioner that he had repeatedly approached the authorities earlier cannot be accepted.



8. It is also pertinent to note that according to the stand taken by the respondent police, enquiry was conducted and statements of independent persons were recorded. The persons examined have not supported the allegation of abuse or threat as alleged by the petitioner. They have only stated that there was a conversation between the parties. Therefore, even the preliminary enquiry conducted by the police does not disclose the commission of any cognizable offence as alleged by the petitioner.

9. Moreover, another important aspect that cannot be ignored is that the petitioner himself has approached the Hon'ble Madurai Bench of the Madras High Court in W.P.(MD) No.18971 of 2025 seeking removal of the alleged encroachment in the very same property. In the said writ petition the Hon'ble High Court has directed the Assistant Director of Panchayat and the Executive Officer of Pudhuvayal Town Panchayat to conduct survey and take appropriate action for removal of encroachment if any is found. The relevant portion of the Hon'ble High court is extarcted hereunder;-

“The writ on hand has been instituted to direct the respondents 1 to 5 to remove the encroachment made by the sixth respondent in the Government common public pathway situated in Survey No. 213/5 at Puduvayal, Karaikudi Taluk, Sivagangai District, based on the petitioner's representation, dated 07.05.2025.

2.The learned Additional Government Pleader based on the written instructions would submit that the authorities have already initiated action to conduct survey and identify the encroachments. In the event of identifying any



encroachment in that locality, all appropriate actions will be initiated to remove the same.

3. In view of the said submission, the respondents 3 and 5 are directed to conduct a survey and identify the encroachments, if any and thereafter, initiate all appropriate actions to remove the encroachments by following the procedures as contemplated under the statutes and rules in force. The said exercise is directed to be completed within a period of twelve weeks, from the date of receipt of a copy of this order.

4. With the above direction, the writ petition stands disposed of. No costs.”

Thus the competent authorities have already been directed by the Hon'ble Madurai Bench of Madras High Court to examine the issue relating to the alleged encroachment and to take necessary action in accordance with law.

10. Hence, when the dispute regarding the existence of public pathway and alleged encroachment is already the subject matter of consideration before the competent revenue and local body authorities pursuant to the directions of the Hon'ble High Court, the present attempt of the petitioner to give a criminal colour to the said dispute cannot be countenanced. The issue as to whether the land in Survey No.213/5 is in fact a public pathway and whether the accused has encroached upon the same are essentially questions of fact which have to be determined by the competent revenue authorities based on proper survey and records. The remedy of the petitioner, if any, lies before the competent



civil court or before the statutory authorities empowered to deal with encroachment on public property.

11. In the present case, the materials placed before this court do not disclose the ingredients of the offences alleged under the provisions of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act or the Bharatiya Nyaya Sanhita. The allegations made by the petitioner primarily revolve around obstruction in a pathway and alleged encroachment. Such issues cannot be effectively adjudicated in a proceeding under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita seeking a direction to register FIR.

12. Moreover, the police have already conducted enquiry on the complaint given by the petitioner and CSR entry has been issued. The police have also explained that the matter has been referred to the Tahsildar under Section 126 of the Bharatiya Nagarik Suraksha Sanhita for appropriate action.

13. Accordingly, this Court finds no merit in the present petition and the same is liable to be dismissed.

14. In the result, the petition is dismissed. No cost.

Typed by me in my computer, verified by me to be correct and pronounced in open court on 12th day of March, 2026.

Judicial Magistrate,
Karaikudi.