



Crl.O.P(MD) No. 8081 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

Crl.O.P(MD) No.8081 of 2026

R.P.Rajkumar
S/o.R.Paulraj
Represented by his Power Agent
R.P.Rajkumar Alagesh,
45, Ramachandrapuram 1st Street,
South Veli Street,
Madurai 625 001.

... Petitioner

Vs

1. State of Tamil Nadu,
Represented by its
The District Superintendent of Police,
Madurai District,
Madurai.

2. State of Tamil Nadu,
Represented by its
The Inspector of Police,
Melavalavu Police Station,
Melur, Madurai District.

3. S.Sivaramakrishnan

... Respondents

(R3 is impleaded as per the order of this
Court dated 28.04.2026 in Crl.M.P(MD)
No.8995 of 2026 in Crl.O.P(MD) No.8081 of 2026)



Crl.O.P(MD) No. 8081 of 2026

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the respondents to provide adequate police protection for survey the property in Survey No.305/1A1, Kidaripatti Vilalge, Melur Taluk, Madurai District and put up fencing for the same property to the life and limb of the petitioner based on the representation made by the petitioner to the respondents on 12.05.2025 and 13.05.2025.

For Petitioner : Mr.R.Mathiyalagan
For R1 & R2 : Mr.B.Arun
Government Advocate (Crl.Side)
For R3 : Mr.S.Ram Sundarvijayaraj
for M/s.Veera Associates

ORDER

The present Criminal Original Petition has been filed seeking to provide adequate police protection for surveying the property in Survey No. 305/1A1, Kidaripatti Village, Melur Taluk, Madurai District.

2. According to the learned counsel appearing for the petitioner, the petitioner has purchased the property under a registered sale deed dated 31.01.2008 and patta has been issued in favour of the petitioner in Patta No. 3228.



Crl.O.P(MD) No. 8081 of 2026

WEB COPY

3. The learned counsel appearing for the petitioner further submitted that the petitioner had paid necessary charges to the surveyor on 06.05.2025. However, when the surveyor made an attempt to survey the properties, it was objected to by the third respondent herein and hence the present petition.

4. The learned counsel appearing for the third respondent submitted that the third respondent herein had filed a suit in O.S.No.5 of 2012 before the I Additional District Court, Madurai for the relief of declaration and permanent injunction for the above said survey number and the suit came to be dismissed on 31.01.2025. Challenging the same, the petitioner herein had preferred A.S.No.188 of 2025 and the same is pending before this Court. Therefore, according to him, when the dispute over the above said survey number is pending before this Court, the survey cannot be permitted.

5. The learned counsel appearing for the petitioner submitted that neither the petitioner nor his vendor is a party to the said suit or in the appeal and in such circumstances, the pendency of the civil suit cannot be a legal impediment for conducting survey.



CrI.O.P(MD) No. 8081 of 2026

WEB COPY

6. In such view of the matter, this Court is inclined to pass the following order:

- a) The survey may be conducted by the concerned surveyor in the presence of both the parties;*
- b) Based upon the said survey, the possession of any one of the parties should not be distrubed;*
- c) Relying upon the survey, both the parties cannot put any fence over the properties;and*
- d) In case, if there is any boundary dispute or property dispute, the parties have to approach the competent civil Court.*

7. With the above said observation, this Criminal Original Petition stands allowed. The respondents are directed to provide adequate police protection for the same.

20.07.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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Crl.O.P(MD) No. 8081 of 2026

WEB COPY

1. The District Superintendent of Police,
Madurai District,
Madurai.
2. The Inspector of Police,
Melavalavu Police Station,
Melur, Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P(MD) No. 8081 of 2026

R.VIJAYAKUMAR,J.

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Crl.O.P(MD) No.8081 of 2026

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