



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.07.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.O.P.(MD)No.13209 of 2026

Abinaya

...Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by the Commissioner of Police,
O/o. the Commissioner of Police,
Madurai.

2. State of Tamilnadu,
Rep by the Inspector of Police,
Anna Nagar Police Station,
Madurai.

3. Deepa

...Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to issue a direction, directing respondents 1 and 2 to provide adequate police protection as against the 3rd respondent for putting scaffolding and plastering the back side wall of the petitioner's house.

For Petitioner : M/s.V.Chandra Pandi
for M/s.A.Murugesan

For Respondents : M/s.B.Arun
Counsel for State of TN(crl.side) for R1 & R2
M/s.P.Prabakaran for R3



ORDER

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The present petition has been filed seeking a direction to the respondents 1 and 2, to provide adequate police protection as against the third respondent for putting scaffolding and plastering of the backside wall of the petitioner's house.

2. According to the learned Counsel appearing for the petitioner, he would like to plaster the western side wall of his house and whitewash the same. However, the same can be done only by putting up a scaffolding inside the pathway owned by the third respondent. Since there is a resistance from the third respondent, the present petition has been filed seeking police protection.

3. The learned Counsel appearing for the third respondent submitted that the pathway is their exclusive property. However, the learned Counsel appearing for the petitioner contends that it is a common pathway. The said issue whether it is a exclusive pathway of the third respondent or a common pathway between the petitioner and the third respondent cannot be decided in the present petition. It is open to either of the parties to approach the competent civil Court to resolve the said issue.



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4. As far as the case of the petitioner to plaster and whitewash his western side of the wall is concerned, he has filed an affidavit, dated 25.07.2026.

Paragraph Nos.4 and 5, of the said affidavit are extracted as follows:-

“4. I further humbly submits that through this affidavit I undertake that I am filing this criminal original petition only for police protection to put scaffolding and plastering on my house's western side wall which was situated before the house of the 3rd respondent and I am not claiming any right over the said pathway as disputed by the 3rd respondent.

5. I humbly submit that I further undertake before this Hon'ble Court that I need only three days (30th 31st of July & 2nd of Aug) to put put scaffolding and plastering, white was on my house's western side wall. Thereafter, I will not interfere with that. I further undertake if any damages was caused to the 3rd respondent house during that working time I will repair it on my own cost.”

5. As far as the present affidavit is concerned, he has undertaken that he would put the scaffolding and plastering of the wall and he would complete the work on three days, namely on 30.07.2026, 31.07.2026 and 02.08.2026. After plastering and whitewashing of his western side wall, he would remove this scaffolding and in case if there is any damage to the house of the third respondent, he would also repair it at his own cost.

6. In view of the above said affidavit filed by the petitioner herein, the question of providing police protection to the petitioner does not arise.



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7. This Court is inclined to pass the following order:-

a) The petitioner shall be permitted by the third respondent to put up scaffolding in the disputed pathway for the purpose of plastering and whitewashing of the petitioner's western side wall on 30.07.2026, 31.07.2026 and 02.08.2026;

b) This would not confer any right upon the petitioner to make a claim over the pathway. It is for the petitioner to approach the competent Court to resolve the pathway dispute; and

c) Immediately after completing the work, the scaffolding shall be removed and any damage caused to the third respondent's property shall also be repaired.

8. With the above said observations, this Criminal Original Petition stands disposed of.

27.07.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



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To

1. The Commissioner of Police,
O/o. the Commissioner of Police,
Madurai.

2. The Inspector of Police,
Anna Nagar Police Station,
Madurai.

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



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R.VIJAYAKUMAR, J.

RJR

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