

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.28892 of 2015

R.Senthilkumar

... Petitioner

Vs

1. The Superintendent of Police,
Dharmapuri district
Dharmapuri

2. The Deputy Superintendent of Police,
Harur, Dharmapuri District

3. The Inspector of Police
Harur Police Station, Harur,
Dharmapuri District

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents to provide police protection to the petitioner and his property for the limited purpose of putting fencing over his agricultural lands at Poothinatham Village, Harur Taluk, Dharmapuri District.

For Petitioner : Mr.K.A.Mariappan

For respondents: Mr.C.Emalias,
Addl.Public Prosecutor.

सत्यमेव जयते
O R D E R

The present criminal original petition has been filed to direct the respondents to provide police protection to the petitioner and his property for the limited purpose of putting fencing over his agricultural lands at Poothinatham Village, Harur Taluk, Dharmapuri District.

2. In the petition, it has been stated that the petitioner is the owner of the lands in Survey No.45/4 measuring about 2.30 cents and carrying on cultivation activities for years together. The petitioner, who is residing away from the lands, used to visit the lands once in a week and hence by using his absence, one Govindan, a distant relative of the petitioner, started

disturbing the peaceful possession and enjoyment of the properties and forced the petitioner to file a civil suit for bare injunction in O.S.No.183 of 2010 on the file of District Munsif Court, Harur against the said Govindan. After contest, the petitioner has obtained an order of Injunction against the said Govindan and his men, agents by order dated 07.02.2011. The said Govindan instead of challenging the said order passed against him in O.S.No.183 of 2010, filed a suit for bare injunction against the petitioner in O.S.No.20 of 2014 on the very same District Munsif Court, Harur and the same came to be dismissed after hearing both sides on 23.07.2014. Thereafter, two criminal cases were registered against the said Govindan. The petitioner in order to protect his land and the plants from aliens and cattles, decided to fence the land by putting barbed wires, approached the 3rd respondent to give police protection to carry on the fencing works and the same was rejected by the 3rd respondent. Thereafter, the petitioner sent representations to the 1st and 2nd respondents to direct the 3rd respondent to give police protection to fence his agricultural lands, by representation dated 23.11.2015, but the same was also not considered till date. Hence the petitioner has come forward with the present petition.

3. Heard the submissions of the learned counsel for the petitioner and the learned Additional Public Prosecutor.

4. Considering the submissions made on either side and without going into the merits of the claim made by the petitioner, this Court directs the petitioner to give a fresh representation to the 3rd respondent with regard to providing police protection along with the copy of this order within a period of one week from the date of receipt of copy of the order and on receiving such representation, the 3rd respondent police by affording opportunity of personal hearing to the necessary parties, shall pass appropriate orders within a period of two weeks thereafter.

सत्यमेव जयते

Sd/-

Assistant Registrar (CS VI)

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Sub Assistant Registrar

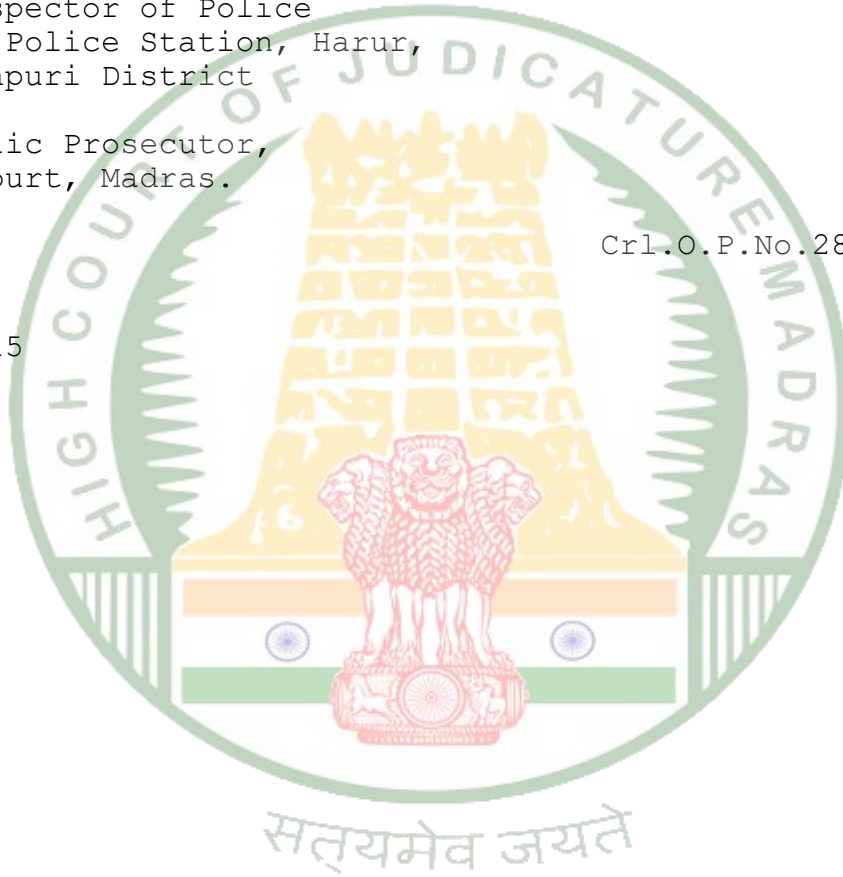
ssd

To

1. The Superintendent of Police,
Dharmapuri district
Dharmapuri
2. The Deputy Superintendent of Police,
Harur, Dharmapuri District
3. The Inspector of Police
Harur Police Station, Harur,
Dharmapuri District
4. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.28892 of 2015

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