

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2015

CORAM:

THE HON'BLE Mr.JUSTICE R.SUBBIAH

CrI.O.P.No.29318 of 2015

Mr.P.Pachamuthu

... Petitioner

Vs.

State rep by,
The Inspector of Police,
Kumarapalayam Police Station,
Namakkal District.

... Respondent

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the respondent police to provide adequate police protection to the petitioner and his wife and also his property namely agricultural land on the basis of his complaint dated 18.11.2015.

For Petitioner : Mr.S.Viswanathan

For Respondent : Mr.C.Emalias

Additional Public Prosecutor

ORDER

This petition is filed praying for a direction to the respondent police to provide adequate police protection to the petitioner and his wife and also his property namely agricultural land on the basis of the petitioner's complaint dated 18.11.2015.

2.In the petition it is stated that the petitioner is the owner of the property along with his brother Natrajan and both of them are having equal share and they have purchased the above said property through a registered sale deed in Document No.1258 of 1974 to an extent of 1.19 acres in S.No.592/8, 592/10, 592/8 right from the date of purchase and both of them were jointly enjoying the possession of the land and jointly cultivating the land. They have patta, chitta and adangal and all other revenue records in the name of both of them. Whiles, one Palanivel Gounder started to disturb their peaceful possession and enjoyment and therefore a suit in O.S.No.51 of 1975 was filed before the District Munsif Court, Sangakiri and the same was decreed in their favour and thereafter, the said Palanivel Gounder filed an appeal in A.S.No.85 of 1978 before the Sub Court Salem and the same was dismissed.

3.It is further submitted that thereafter, there were no dispute till his brother Natrajan was alive. After his demise, there were dispute between the petitioner, his sister in law and their children and therefore a suit in O.S.No.327 of 2007 was filed on the file of the District Munsif Court, Thiruchengodu for partition and separate possession and the said suit is pending. Whiles, the children of the said Palanivel Gounder namely, Subramani, Eswaran Mani and Karthick attempted to disturb the petitioner by attacking with lethal weapons. Hence, the petitioner lodged a complaint on 18.11.2015 to provide adequate police protection to the petitioner and his wife and also his property namely agricultural land and the same was not considered so far. Hence, this petition.

4.Heard the learned Additional Public Prosecutor who submitted that the petitioner may be directed to give a fresh complaint to the respondent.

5.In view of the submissions made on either side, this Court directs the petitioner to give a fresh complaint along with a copy of this order to the respondent police within a period of one week from the date of receipt of a copy of this order and the respondent police on receipt of the same is directed to conduct enquiry on the same and pass appropriate orders with regard to providing of police protection to the petitioner and his wife and also his property namely agricultural land, after affording opportunity of personal hearing to the petitioner as well as to all the necessary parties, within a period of three weeks thereafter.

6.With the above observation, this Criminal Original Petition is disposed of.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
Kumarapalayam Police Station,
Namakkal District.

2. The Public Prosecutor
High Court, Madras.

+ 1 cc to M/s.T.Arockia Dass, Advocate SR 66413

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