

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.30002 of 2015

Chittrambalam

... Petitioner

Vs

- 1.State of Tamilnadu rep. by
The Deputy Superintendent of Police,
Salem District.
2. R.Thangaraj
3. Ilayaraja ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent herein to grant adequate police protection to the petitioner herein and his family members during the agricultural operations to be carried on in their property in survey Nos.156/2, 156/3, 156/4, 156/5, 156/7, 157/10, 158/13, 158/14, 158/15, 158/4B, 165/13, 165/5 situated at Veppampoondi village, Salem District.

For Petitioner : Mr.A.Devnarenderan

For 1st respondent: Mr.C.Emalias
Addl. Public Prosecutor

सत्यमेव जयते
O R D E R

The present criminal original petition has been filed seeking a direction to the respondent herein to grant adequate police protection to the petitioner herein and his family members during the agricultural operations to be carried on in their land situated at Veppampoondi village, Salem District.

2. The petitioner is the owner of the property in survey Nos.156/2, 156/3, 156/4, 156/5, 157/10, 158/13, 158/14, 158/15, 158/4B, 165/13, 165/5 situated at Veppampoondi village, Salem District. The adjacent land to the petitioner's property

belongs to one Thangaraj and others. They illegally attempted to grab the property of the petitioner by creating illegal and unenforceable documents. Whenever, the petitioner attempted to carry out agricultural operations in his land, the said Thangaraj and Ilayaraja attempted to prevent the petitioner from entering his land. Similarly on 19.5.2015, when the petitioner attempted to enter his field, the said Thangaraj and Ilayaraja physically prevented the petitioner from entering in to his land. Thereafter, they gave a false complaint against the petitioner under section 3(1)(r), 3(1)(f), 3(2)(Va) of the SC/ST Amendment Act of 2014. Based on the said complaint, FIR was registered in Crime No.67 of 2015 on 19.5.2015. The petitioner also filed a suit in O.S.No.205 of 2009 on the file of the District Munsif Court at Attur seeking a decree of permanent injunction. Again, when the petitioner attempted to enter in to his land, the said Thangaraj again gave a complaint against the petitioner and his family members under section 3(1)(x) of the SC/ST (Prevention of Atrocities) Act 1090 along with other sections of IPC. The said complaint was registered in FIR No.106 of 2015 on 23.7.2015. Even though, the petitioner has a decree in his favour in respect of his property and other title deeds and revenue documents including patta to prove his title, the petitioner is being prevented from enjoying his own property. Therefore, the petitioner lodged a complaint against the said Thangaraj and Ilayaraj and others on 03.04.2015 to the Deputy Commissioner stating that they are causing damages and committing trespass into the petitioner's land and threatening the petitioner and his family members that they will have them arrested under the provisions of SC/ST (Prevention of Atrocities) Act. But the respondent has not taken any action on the said complaint till date. Hence, the petitioner has come forward with the present petition.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

4. The learned Additional Public Prosecutor repudiating the submissions of the learned counsel for the petitioner, submitted that continuously problem is persisting between the petitioner and the said Thangaraj regarding the land dispute between them and in this regard civil suit is also pending between the parties. Thus he sought for dismissal of the petition.

5. In view of the submissions on either side that civil dispute is persisting between the parties, this court cannot give a direction for police protection and hence I am not inclined to entertain this petition.

6. Hence, this criminal original petition is dismissed.

Sd/-
Assistant Registrar(CS II)

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Sub Assistant Registrar

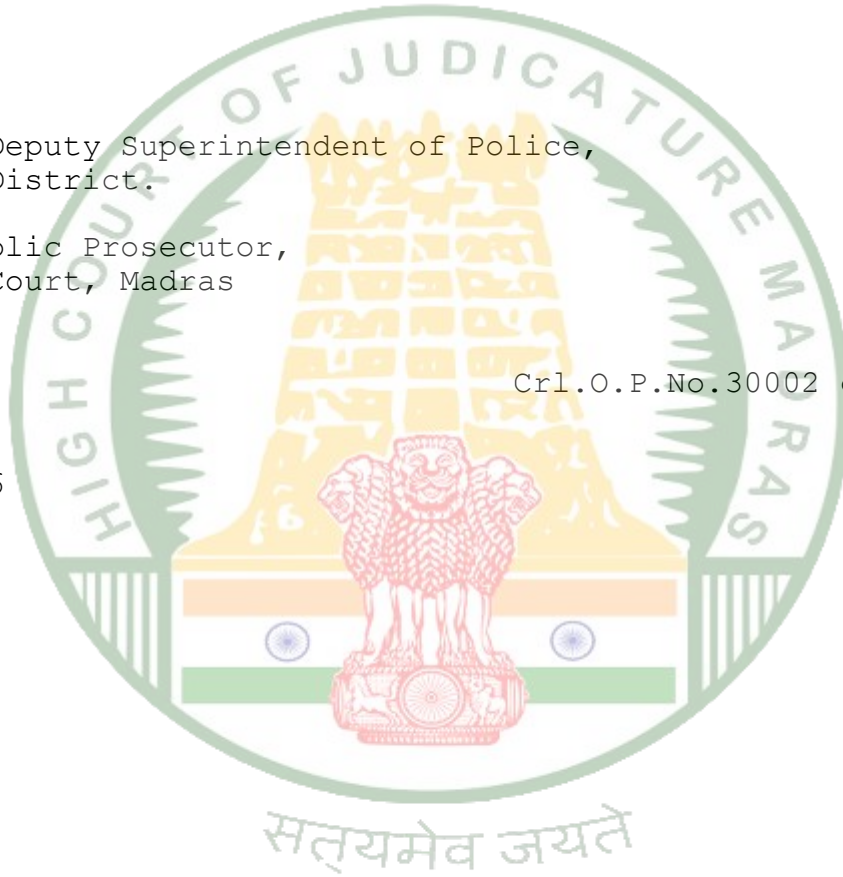
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To

1. The Deputy Superintendent of Police,
Salem District.
2. The Public Prosecutor,
High Court, Madras

Cr1.O.P.No.30002 of 2015

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