

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.30430 of 2015

S.Ayyappan

... Petitioner

Vs

The Inspector of Police,
Valangaiman Police Station,
Valangaiman.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent to provide a police protection for cultivating the petitioner's land situated in S.Nos.238/6 and 245/0 in Regunadhapuram Village, Valangaiman Taluk to the extent of 4 acres on the basis of the representation made by the petitioner on 29.10.2015.

For Petitioner : Mr.S.Doraisamy

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

O R D E R

This petition has been filed to direct the respondent to provide a police protection for cultivating the petitioner's land situated in S.Nos.238/6 and 245/0 in Regunadhapuram Village, Valangaiman Taluk, to the extent of 4 acres on the basis of the representation made by the petitioner on 29.10.2015.

2. The properties situated in S.Nos.238/6 and 245/0 in Regunadhapuram Village, Valangaiman are absolutely owned by C.Kasinathan and he was cultivating the said properties till his death. After the death of Kasinathan, the legal heirs were cultivating the lands. The accused person, one Prabakaran is not in possession of the said property. In order to grab the petitioner's land, the said Prabakaran, his mother, sister and brother used to interfere with the peaceful possession of the said land. The said Prabakaran also filed civil suit against the petitioner for permanent injunction in O.S.No.34 of 2010 before

the Additional District Munsif, Valangaiman, but the same was dismissed with cost. Against which an appeal was filed in A.S.No.21 of 2011 and the same was also dismissed by the lower appellate Court. The second appeal filed before this Court in S.A.No.1244 of 2013 was also dismissed. Even then, the accused persons are interfering with the possession of the petitioner. Hence, the petitioner lodged a complaint with the respondent police. The Tahsildar also wrote a letter to the respondent on 31.08.2015 to give police protection to the petitioner. The petitioner also made representations on 23.07.2015 and 29.10.2015 to the respondent to provide police protection. Since no action was taken till date, the present petition has been filed.

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

4. Considering the submissions made on either side, this Court directs the petitioner to give a fresh representation along with a copy of this order to the respondent. On receipt of the same, the respondent is directed to consider the representation of the petitioner and pass appropriate orders with regard to providing police protection, after affording personal hearing to the petitioner and the parties concerned and also in the light of the recommendation made by the Tahildar, within a period of two weeks from the date of receipt of the representation from the petitioner.

5. The criminal original petition is disposed of accordingly.

sd/
ASSISTANT REGISTRAR (CCC)

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SUB-ASSISTANT REGISTRAR

vsi

To

1. The Inspector of Police,
Valangaiman Police Station,
Valangaiman.

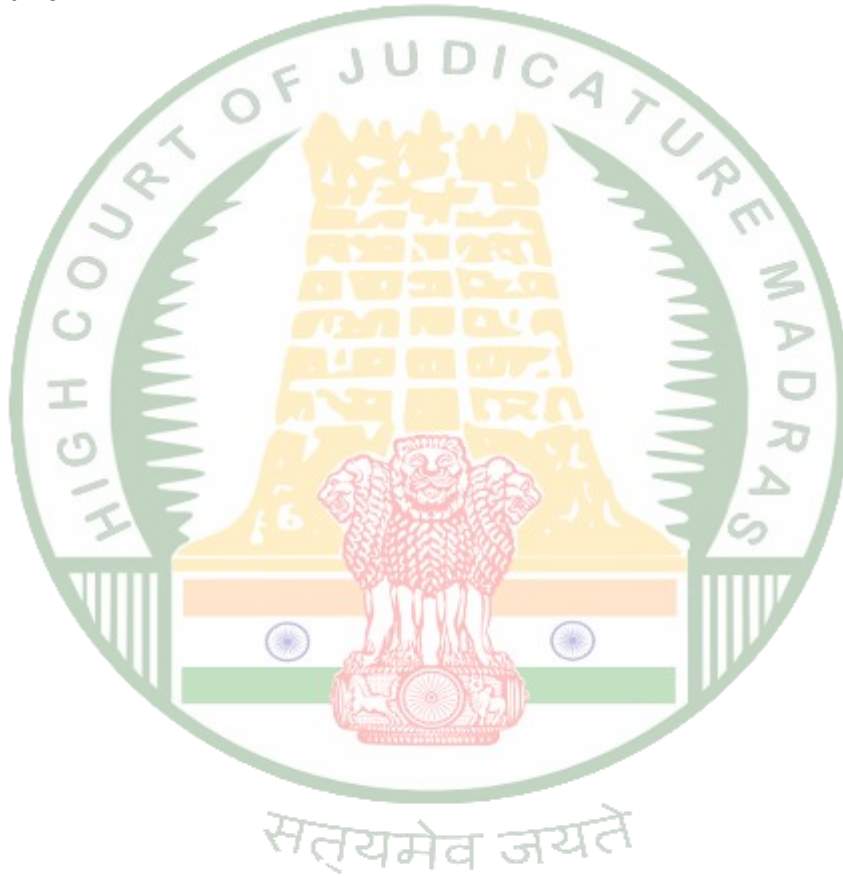
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2. The Public Prosecutor,
High Court, Chennai.

+1 CC to MR.S.Doraisamy Advocate. SR.NO. 69399

Cr1.O.P.No. 30430 of 2015

CO-RSK
JD 23/12/2015



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