

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.07.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.Nos.14018 and 14019 of 2016

A.Deiva Sagayam Chritian

... Petitioner
in both Crl.OPs

Vs

1.The Superintendent of Police, (North)
O/o.The Superintendent of Police [North],
Puducherry.

2.The Inspector of Police,
D-Nagar Police Station,
Gorimedu, Puducherry.

3.The Sub Inspector of Police,
D-Nagar Police Station,
Gorimedu, Puducherry.

... Respondents
in both Crl.OPs

Crl.O.P.No.14018 of 2016 : Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondents to give police protection to petitioner and his property till the Government Field Surveyor demarcating the petitioner's property by fixing boundary stones [kanikal] and putting up fence around his property based on the complaints dated 02.02.2016, 20.02.2016 and 06.04.2016.

Crl.O.P.No.14019 of 2016 : Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the 3rd respondent to register FIR on the petitioner's complaint dated 02.02.2016 and 06.04.2016 by strictly following ratio/guidelines laid down/ framed by the Hon'ble Apex Court in Lalitha Kumari's case reported in 2013 [6] CTC 353.

For Petitioner : Mr.Prakash Adiapadam
in both Crl.OPs

For Respondents : Mr.M.R.Thangavel, APP [Pondy]
in both Crl.OPs

C O M M O N O R D E R

Crl.O.P.No.14018 of 2016 has been filed to direct the respondents to give police protection to petitioner and his property till the Government Field Surveyor demarcating the petitioner's property by fixing boundary stones [kanikal] and putting up fence around his property based on the complaints dated 02.02.2016, 20.02.2016 and 06.04.2016.

CrI.O.P.No.14019 of 2016 has been filed to direct the 3rd respondent to register FIR on the petitioner's complaint dated 02.02.2016 and 06.04.2016.

2. Heard the learned counsel for the petitioner; learned Additional Public Prosecutor [Pondy] appearing for the respondents and perused the materials placed on record.

3. It is seen that this petitioner is the owner of a property and that he had left 3X42 feet passage for the purpose of drainage and maintenance. Now, the petitioner wants to put a compound wall around his property. The neighbours are objecting to it and therefore, the petitioner lodged a complaint and has sought police protection.

4. Learned Additional Public Prosecutor [Pondy] submitted that on the complaint given by the petitioner, petition enquiry was conducted and closed on the ground that the dispute is essentially civil in nature.

5. Per contra, learned counsel for the petitioner submitted that the petitioner had paid money for the Deputy Surveyor to come to the property for survey and when the Surveyor came, he was prevented from even surveying the property.

6. Under such circumstances, this Court directs the petitioner to lodge a fresh complaint and the respondent police is directed to provide sufficient protection for the Surveyor to come and survey the land and thereafter, the parties can resolve the dispute in accordance with law.

With the above direction, these petitions are closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

1.The Superintendent of Police,
O/o.The Superintendent of Police [North],
Puducherry.

2.The Inspector of Police,
D-Nagar Police Station,Gorimedu, Puducherry.

3.The Sub Inspector of Police,
D-Nagar Police Station,Gorimedu, Puducherry.

4.The Public Prosecutor,High Court, Madras.

+1 cc to Mr.A.Prakash Adiapadam, advocate,sr.39108.

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