

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.388 of 2016

J.Santhakumari

... Petitioner

Vs

1. The Assistant Commissioner of Police,
Ambatur Industrial Estate,
Chennai - 600 098.

2. The Inspector of Police,
Ambatur Estate Police Station,
Chennai - 600 058.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to direct the respondents to provide adequate police protection to the life and limb of the petitioner and his family members on the representation of the petitioner dated 12.12.2015.

For Petitioner : Mr.M.Saravana Kumar

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed seeking a direction to the respondents to provide adequate police protection to the life and limb of the petitioner and his family members on the representation of the petitioner dated 12.12.2015.

2. In the petition, it has been stated that the petitioner's father Mr.Venkitasamy purchased a house site property situated in S.No.72, Mangalapuram, Ambatur Taluk, Thiruvallur District

for valid consideration in the year 1974 vide document No.1966/1974 on the file of Sub-Registrar Office, Ambattur. Thereafter, the petitioner's father gifted the same in favour of the petitioner and her sisters. The petitioner and her sisters are in possession of the property as per the gift deed and paid the property tax and other taxes in their name without any hindrance. The proposed accused in the name of welfare Sangam trespassed into the petitioner's property and thereby claiming that a public well is situated inside the petitioner's property and the same should be renovated for public purpose. Originally during the lifetime of the petitioner's father he permitted the residents of that locality people to take water from the said well for drinking purpose and subsequently the well was closed. Therefore, the petitioner has given a detailed representation to the 2nd respondent on 29.12.2011. Thereafter, in the month of August 2015, the accused persons came to the petitioner's house, claiming that the revenue authorities permitted them to demolish the petitioner's compound wall and since the same is an encroachment. Hence, again the petitioner has given detailed representations to the District Collector and Tahsildar on 10.08.2015 and 31.08.2015. On receipt of the same, the Tahsildar, Ambatur conducted an enquiry.

3. In the meantime, the proposed accused trespassed into the petitioner's property and demolished the petitioner's compound wall with JCB machine with high handedness and without any authority. When the petitioner questioned the same, the proposed accused made life threat to the petitioner. Therefore, the petitioner approached the Tahsildar with a petition and on receipt of the same, the Tahsildar has submitted a report to the Assistant Commissioner of Police, Ambattur Estate in his proceedings in Na.Ka.666/20115/C1 dated 12.12.2015 stating that S.No.72 belongs to the petitioner's father and further stating that the Revenue Authorities has not passed any order to remove the petitioner's compound wall situated in the patta land. While so, the proposed accused persons threatened the petitioner and therefore, the petitioner has given a complaint on 12.12.2015 to the 1st respondent seeking to take appropriate action against the proposed accused. On receipt of the same, the 1st respondent forwarded the said complaint to the 2nd respondent for necessary actions and the same is pending for enquiry in C.S.R.No.517 of 2015. Hence, the petitioner came forward to the present petition seeking to provide adequate police protection.

4. When the matter is taken up for consideration, the learned Additional Public Prosecutor opposed to grant a direction stating that there is a dispute between the petitioner and the Welfare sangam with regard to the property and if police protection is given the same would lead to further complications.

5. On keeping the submissions made on either side and I have carefully gone through the entire materials available on record, I find that the dispute is going on from the year 2011 between the petitioner and the Welfare Sangam with regard to a well situated in a land. According to the petitioner the said well is situated in the petitioner's land whereas according to the counter petitioner it is a public well. But this Court cannot conduct any roving enquiry on this disputed fact. Hence, at this juncture I am not inclined to give a direction to the respondent police to provide police protection. Further, this Court is of the opinion the petitioner has to seek remedy only before a civil forum. Hence, this Petition is liable to be dismissed. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

vsm

Sub Assistant Registrar

To

1. The Assistant Commissioner of Police,
Ambatur Industrial Estate,
Chennai - 600 098.

2. The Inspector of Police,
Ambatur Estate Police Station,
Chennai - 600 058.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Saravana Kumar, Advocate, S.R.No.1973

CrI.O.P.No.388 of 2016

SVI (CO)
CA(01/02/2016)