



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2016

CORAM

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

Cr1.O.P.(MD) No.18483 of 2016

K.A.Kadhar Sherif

: Petitioner

-Vs-

1.The District Collector,
Karur District.

2.The Superintendent of Police,
Karur District,
Karur.

3.The Inspector of Police,
Karur Town Police Station,
Karur District.

4.S.Murugesan

: Respondents

[R4 impleaded as per order of this court
made in Cr1.M.P(MD)No.9901 of 2016 in
Cr1.O.P(MD)No.18483 of 2016, dated
07.10.2016]

Prayer: Petition filed under Section 482 of Code of Criminal Procedure, to direct the 2nd and 3rd respondents to consider the petitioner's representation, dated 16.09.2016 and provide adequate police protection to the petitioner and his men for fencing the land situated in Town Survey No.791/3, 791/4, 3rd Ward, 4th Block, Lakshminarayanapuram Village, Karur Municipality, Karur Taluk, Karur District and any such further orders.

For Petitioner

: Mr.S.Balaji

For Respondents 1 to 3

: Mr.K.Anbarasan

Govt. Advocate (Cr1.Side)

For 4th Respondent

: Mr.K.Chellapandian,

Senior counsel for

Mr.P.Athimoolapandian

O R D E R

This petition is filed for a direction to the respondents 2 and 3 to provide adequate police protection, based on the petitioner's representation, dated 16.09.2016 for fencing the lands situated in Town Survey Nos.791/3 and 791/4, 3rd Ward, 4th Block, Lakshminarayanapuram Village, Karur.



2.Mr.S.Balaji, learned counsel appearing for the petitioner would submit that the petitioner is the absolute owner of the lands comprised in Survey Nos.791/3 and 791/4 to an extent of 13,387 sq. feet of Lakshminarayanapuram Village, Karur; the petitioner applied to the Karur Municipality for survey and fix the boundary stones for the property and also paid necessary charges on 06.07.2016, however, at the instigation of one Kaliappan, who is the Ward Councillor of Karur Municipality, the boundary stones fixed, were damaged; so, the petitioner lodged a complaint before the 3rd respondent and also sought police protection to complete the fencing work. Since, it was not considered, he has come forward with the present petition.

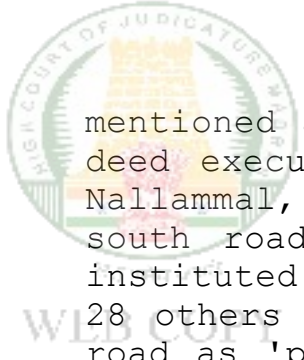
3.The learned counsel would further submit that originally, the Government issued G.O. in the year 1973 for lying 80 feet road in Lakshminarayanapuram Village under Town Planning Scheme, but subsequently, the width of the road was reduced to 45 feet and the remaining lands have been reverted back to the original land owners; the Thasildhar of Karur, issued 'No Objection' Certificate on 27.09.2012, however, the said Kaliappan and the 4th respondent herein taking advantage of the boundaries mentioned in the sale deed, dated 30.03.1976, disputing the title of the petitioner; in view of the order passed in W.P.No.13177 of 2001 and W.P.(MD)Nos. 8609 and 9669 of 2005, the respondents 2 and 3 are bound to provide police protection to the petitioner for fencing the land.

4.Per contra, Mr.K.Chellapandian, learned Senior counsel appearing for the 4th respondent would submit that as on date, the land in dispute is being used as 80 feet road; that this petition is filed, suppressing institution of a suit in O.S.No.336 of 2016 by the 4th respondent before the District Munsif, Karur and an order of status quo passed by the civil court on 19.09.2016; that the title of the petitioner is in dispute, therefore, unless the right over the property is decided by the competent civil court, the respondents police cannot be directed to provide police protection and that in the partition effected between the predecessors of the petitioner and his brothers, the land in dispute has been shown as 80 feet road, so the petitioner's application is liable to be dismissed.

5.Mr.K.Anbarasan, learned Government Advocate (Criminal side) would submit that the order passed in W.P.No.13172 of 2001 and other two writ petitions are not in support of the petitioner and in view of the pendency of the suit before the civil court, the respondents 2 and 3 are not in a position to give police protection at this stage.

<https://hcservices.ecourts.gov.in/hcservices/>

6.It is seen from the records that in the partition deed, dated 23.02.1976, the western boundary of the T.S.No.202/4 is



mentioned as 80 feet width north-south road. Further, in the sale deed executed by the petitioner's grand-father in favour of one Nallammal, the land in dispute has been referred as 80 feet north-south road. The 4th respondent herein along with one C.Sugumar instituted a suit in O.S.No.336 of 2016 against the petitioner and 28 others for declaration that B schedule property I.e., 80 feet road as 'public road' and for consequential permanent injunction. Admittedly, in I.A.No.1076 of 2016, the Additional District Munsif, Karur, has granted an order of status quo, which is still in force.

7.In such view of the matter, this court is of the opinion that the petitioner is not entitled for police protection as per his representation, dated 16.09.2016. In fine, this petition is dismissed.

sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To,

- 1.The District Collector, Karur District.
- 2.The Superintendent of Police, Karur District, Karur.
- 3.The Inspector of Police, Karur Town Police Station, District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 cc to Mr.P.ATHIMOOLA PANDIAN, Advocate, SR 64043

Cr1.O.P. (MD) No.18483 of 2016
26.10.2016

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