



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

Crl.O.P.(MD) No.7710 of 2016

D.Pandiammal

...Petitioner

-Vs-

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Inspector of Police,
G5 Karimedu Police Station (L & O),
Madurai -14.

3.K.Chinnapandi

4.R.Senthilkumar

...Respondents

(R3 and R4 impleaded as per the order of this Court dated 14.06.2016 made in Crl.M.P.(MD).Nos.4683 and 4682 of 2016 in Crl.OP(MD)No.7710 of 2016 respectively)

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the respondents to grant adequate Police protection for surveying the petitioner's property in Survey No.117/1, to the extent of 38 cents, situated in Arappalayam Village, Madurai West Taluk, Madurai District, based on the petitioner's representation dated 30.03.2016.

For Petitioner: Mr.M.Subash Babu for

Mr.M.S.Jeyakarthik

For Respondents: Mr.A.P.Balasubramani

1 & 2 Govt. Advocate (Crl.Side)

For 3rd respondent : Mr.R.Narayanan

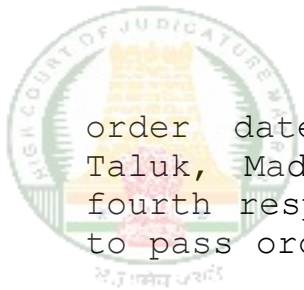
For 4th respondent : Mr.V.Sankaranarayan

O R D E R

This petition has been filed seeking a direction to the respondents 1 and 2 to grant adequate Police protection for surveying the petitioner's property in Survey No.117/1, at Arappalayam Village, Madurai West Taluk, Madurai District, based on the petitioner's representation dated 30.03.2016.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3.The learned counsel appearing for the petitioner would submit that the petitioner herein had filed a writ petition in W.P.(MD).No.4053 of 2015 for surveying his land and this Court, by



order dated 25.01.2016, directed the Tahsildar, Madurai West Taluk, Madurai to consider the claim of the petitioner and the fourth respondent herein (6th respondent in the writ petition) and to pass orders on merits and in accordance with law.

4. The learned counsel appearing for the petitioner would further submit that as per the order of this Court, dated 25.01.2016, the Tahsildar enquired the matter and directed the Taluk Deputy Surveyor to survey the petitioner's land. Due to quarrel arose between the parties, the Surveyor was unable to survey the land. Hence, the petitioner has come up with the aforesaid prayer.

5. The learned counsel appearing for the third respondent would submit that the third respondent being the adjacent land owner, ought to have been impleaded in the writ petition, but the petitioner herein failed to do so. Hence, he requested the Court to direct the Tahsildar to consider the submission of R3 also.

6. The learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2 would submit that if the Tahsildar submit appropriate requisition, they will provide adequate protection for measuring the land.

7. In view of the above submission made of the learned counsel for the parties, the Tahsildar, Madurai West Taluk, Madurai is directed to conduct enquiry by providing sufficient opportunity to the parties, including the third respondent herein and complete the enquiry within a period of three weeks from the date of receipt of a copy of this order. If need be, the Tahsildar may seek for Police protection for measuring the disputed land by issuing appropriate requisition to the second respondent Police. On receipt of such requisition, the second respondent police shall provide adequate police protection for measuring the land.

8. This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar (CS)

To:

1. The Commissioner of Police,
Madurai City, Madurai.

2. The Inspector of Police,
G5 Karimedu Police Station (L & O),

Madurai -14.



3.The Tahsildar,
Madurai West Taluk,
Madurai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/s.R.Narayanan, Advocate in SR.32210
+1cc to M/s.V.Sankara Narayanan, Advocate in SR.31912
+1cc to M/s.M.S.Jeyakarthick, Advocate in SR.31934

Cr1.O.P.(MD) No.7710 of 2016
21.06.2016

gcg

PBK/AAL-MPA/SAR-III 24/06/2016 ::3P-8C:: (IT)