

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P. No. 6876 of 2017

R.Sivakumar

.. Petitioner

versus

1.The State rep. by
the Inspector of Police,
T13, Kundrathur Police Station,
Kundrathur,
Chennai - 69.

2.P.Thulasiammal .. Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C. to direct the first respondent to provide necessary police protection for conducting survey to fix the boundaries and to fence petitioner's land in S.Nos.246, 247 and 255 to 257, Tharapakkam Village, Pallavaram Taluk, Kanchipuram District by considering his petition dated 13.03.2017.

For Petitioner : Mr.N.Manokaran

For R1 : Mr.C.Emalias
Additional Public Prosecutor

ORDER

The present criminal original petition has been filed seeking a direction to the first respondent to provide necessary police protection for conducting survey, fixing the boundaries and fencing the petitioner's land in S.Nos.246, 247 and 255 to 257 at Tharapakkam Village, Pallavaram Taluk, Kanchipuram District by considering his petition dated 13.03.2017.

2. The case of the petitioner is that his father T.K.Ramachandra Mudaliar (late) had purchased a land measuring to an extent of 54 cents in S.No.255, Tharapakkam Village, then Sriperumbudur Taluk in the name of the petitioner under a sale deed dated 21.07.1979 bearing Document No.1890 of 1979. After the death of his father, the petitioner has been in possession and enjoyment of the said land. While so, he engaged some

workers to remove the Karuvelam trees in the said land and other lands located in different survey numbers through one Thangamani, who was appointed by the petitioner, for the purpose of taking care of the said lands. When the things stood so, the second respondent, who is the neighbour of the petitioner's land, and his husband P.Panneerselvam along with their associates made an attempt to trespass into the petitioner's land in S.No.255, while doing construction work in their land in S.No.250/3. When the petitioner came to know about the same through his care taker, he persuaded the second respondent to stop the work, till the lands are surveyed. Thereafter, he has taken steps to conduct survey of the lands in dispute through a Surveyor, but, the same could not be done for want of revenue records. Hence, he made a petition dated 13.3.2017 to the Tahsildar, Pallavaram requesting to depute a surveyor for the purpose of conducting survey and identifying the boundaries between S.Nos.250/3 and 255, Tharapakkam Village, Pallavaram Taluk and the same is pending without any progress. Therefore, the petitioner has come up with the present petition for the above stated relief.

3. Today, when the matter was taken up for consideration, learned Additional Public Prosecutor produced a letter of the second respondent dated 18.03.2017, wherein, it has been stated that enquiry was conducted by the first respondent police by calling upon both the parties, during which, the second respondent has given an undertaking not to do any work in the lands in dispute, till the lands are surveyed.

4. The statement by the second respondent in her letter dated 18.03.2017 is recorded. In order to give quietus to the issue involved herein, this Court directs the Tahsildar, Pallavaram to depute a Surveyor for the purpose of surveying the lands of the petitioner and the second respondent and identifying the boundaries of their respective lands. While carrying out such work, necessary police protection be given by the first respondent police, however, the same will be at the cost of the petitioner.

5. With the above directions, this Criminal Original Petition is disposed of.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

rk

To

1.The Inspector of Police,
T13, Kundrathur Police Station,
Kundrathur,
Chennai - 69.

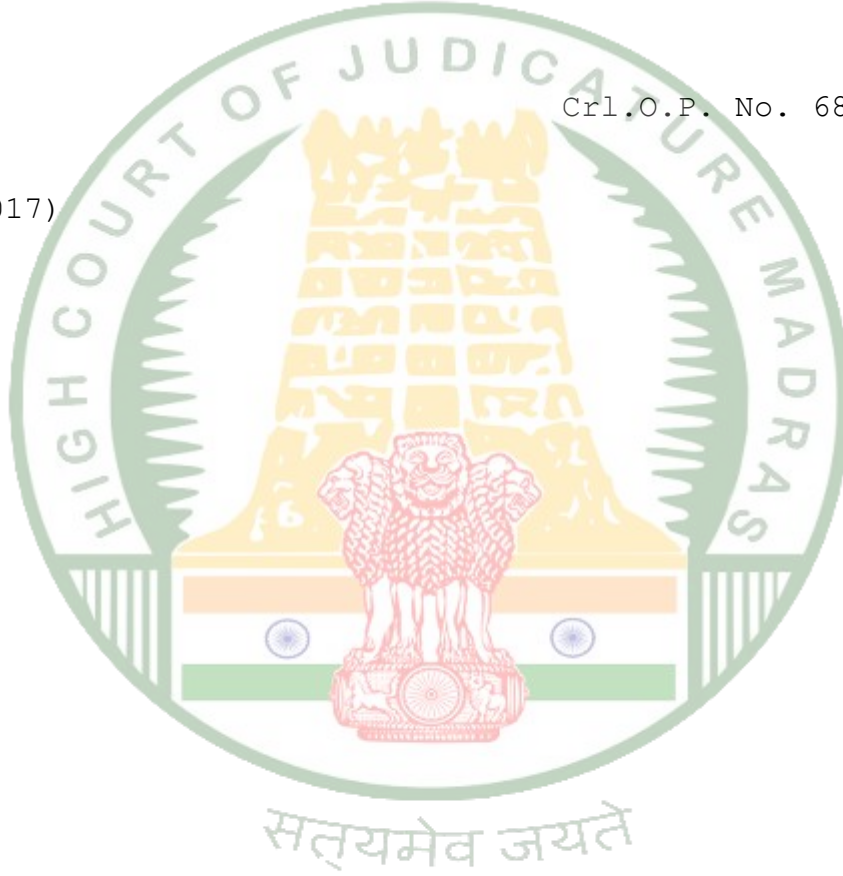
2.The Tahsildar, Pallavaram.

3.The Public Prosecutor, High Court, Madras.

+1cc to Mr.N.Manokaran,Advocate sr.21265

Crl.O.P. No. 6876 of 2017

rj(co)
ss(27/4/2017)



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