



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P. (MD) No.10235 of 2017

WEB COPY

A.Soniya

: Petitioner

-Vs-

1.The Superintendent of Police,
Sivagangai District.

2.State represented by
The Inspector of Police,
Thirukostiyur Police Station,
Sivagangai District.

3.S.Kalyani

: Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code, to direct the 1st and 2nd respondents to provide police protection to the petitioner and her family members and to the employees for the peaceful removal of karuvelam trees bearing patta No.3461 of Survey No.178/2 measuring to an extent of 0.79.00 acres vacant land situated at Veliyathur Village, Thirupathur Taluk, Sivagangai District based on the representation of the petitioner, dated 01.04.2017 and for peaceful possession and enjoyment of the said property.

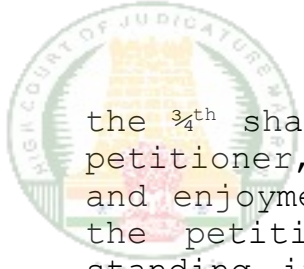
For Petitioner : Mr.J.Vijayaraja
For RR 1 & 2 : Mr.K.Anbarasan
Government Advocate (Crl.Side)

O R D E R

This petition is filed for seeking police protection to the petitioner and her family members and their employees for the peaceful removal of Karuvelam trees in Survey No.178/2 measuring an extent of 0.79.00 Hectares of vacant land situated at Veliyathur Village, Thirupathur Taluk, Sivagangai District.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first and second respondents and perused the records.

3.The case of the petitioner is that the property in question is the ancestral property owned by one Manickavelu and that after the demise of the said Manickavelu, his legal heirs has executed a release deed in favour of one of the daughters of the said Manickavelu, namely the petitioner/Soniya, and registered the same on 09.01.2017. On the basis of the registered document, where under



the $\frac{3}{4}$ th share of other co-owners was transferred in the name of the petitioner, the petitioner states that she is in peaceful possession and enjoyment of the said property. It is further stated that when the petitioner wanted to remove the karuvelam trees, which is standing in the property in question, it was obstructed by third respondent. But, according to the petitioner, the third respondent is a stranger, who is having no right in the property in dispute.

4. In these circumstances the petitioner approached the 2nd respondent to give police protection for the peaceful removal of Karuvelam trees from the property in question. If the petitioner claims any right as owner or a person in lawful possession of the property and allege any threat of interference by any party, her remedy is only to approach the Civil Court to get appropriate relief. Even for the purpose of retaining the property, which is allegedly in the peaceful possession and enjoyment of the petitioner, the petitioner cannot seek any police protection. In that view of the matter, this Court is not inclined to entertain this petition and therefore, this Criminal Original Petition is **dismissed**. However, liberty is given to the petitioner to approach the Civil Court for appropriate remedy in the manner known to law.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Sivagangai District.

2.The Inspector of Police,
Thirukostiyur Police Station,
Sivagangai District.

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

+1cc to Mr.J.Vijayaraja Advocate in SR. NO.70438
DAS/PJL
JS/SV/MMS/SAR.2/17.08.2017/ 2P-5C

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