



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P(MD)No.10376 of 2017

A.Joison

... Petitioner

Vs.

1. The Commissioner of Police,
Trichy City,
Trichy District.

2. The Inspector of Police,
Kottai Police Station(Law and Order),
Trichy District.

3. Balaji

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to issue a direction by directing the second respondent to give adequate police protection to the petitioner to clean his land and laid the boundary stones in the petitioner's property situated in Survey No.16/1 to an extent of 5000 Sq.feet, in Block-4, Ward-E, Sanjeevi Nagar, Devathanam, Trichy, based on the complaint preferred by the petitioner, dated 13.07.2017.

For Petitioner : Mr.M.S.Jeykarthick

For Respondent Nos.1&2 : Mr.K.Anbarasan,
Government Advocate(Crl.Side).

O R D E R

This Criminal Original petition is filed seeking a direction to the second respondent to give adequate police protection to the petitioner to clean his land and lay the boundary stones in the petitioner's property situated in Survey No.16/1 to an extent of 5000 Sq.feet, in Block-4, Ward-E, Sanjeevi Nagar, Devathanam, Trichy, based on the complaint preferred by the petitioner, dated 13.07.2017.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal side) appearing for the respondents 1 and 2.



3. In the representation given by the petitioner, on 13.07.2017, the petitioner stated that he is the owner of the property situated in Survey No.16/1 to an extent of 5000 Sq.feet, in Block-4, Ward-E, Sanjeevi Nagar, Devathanam, Trichy.

WEB COPY

4. It appears that the third respondent is the adjacent owner and according to the petitioner, the third respondent influenced the Surveyor and obtained a Survey Report in his favour, whereby the third respondent claim the right over the property of the petitioner. The third respondent also gave a complaint, as if the petitioner and others demolished a compound wall erected by the third respondent. The third respondent also filed a civil Suit in O.S.No.122 of 2016 and I.A.No.38 of 2016, seeking Interim Injunction.

5. The learned counsel for the petitioner submitted that the petitioner has not encroached any property of the third respondent and that however, the third respondent is trying to encroach into the property of the petitioner by erecting the boundary stones. It is in the said context, the learned counsel for the petitioner stated that the petitioner should be given police protection to clean his land and to lay the boundary stones in the petitioner's property situated in Survey No.16/1, to an extent of 5000 Sq.feet, in Block-4, Ward-E, Sanjeevi Nagar, Devathanam, Trichy.

6. The facts disclosed in this petition, clearly shows that there is a dispute between the third respondent and the petitioner. It is not for the police to determine the boundary or to resolve the dispute between the petitioner and the third respondent by identifying the real boundary with reference to the documents or materials that may be placed by the parties concerned. It is only the civil Court which can go into such issues regarding title or enjoyment or demarcation of boundary etc. In such circumstances, the representation given by the petitioner, seeking police protection is unwarranted and the Criminal Original petition is dismissed as devoid of any merits. However, it is open to the petitioner to approach the civil Court by filing a separate Suit to establish his title and to seek relief for demarcation of his boundary on the basis of revenue records and documents of the title deeds.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar



1. The Commissioner of Police,
Trichy City,
Trichy District.
2. The Inspector of Police,
Kottai Police Station(Law and Order),
Trichy District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.M.S.JEYAKARTHIK, ADVOCATE IN SR No. 71065

PMU

TE/JC/SAR-I : 04/09/2017 : 3P/5C

CRL.O.P (MD) No.10376 of 2017
08.08.2017