



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:10.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE M. DHANDAPANI

CRL.O.P. (MD) No.11429 of 2017

A.Kathiresan

... Petitioner

-Vs-

1.The Superintendent of Police,
Theni District,
Theni.

2.The Inspector of Police,
Taluk Police station,
Bodinayakkanoor,
Theni District.

... Respondents

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to direct the respondents to give adequate police protection for fencing the property of the petitioner situated in survey Nos.251/1A, 1B1, 3A and 249/5B & 5C in Durai Rajapuram Colony, B.Meenakshipuram Village, Bodinayakkanoor Taluk, Theni District.

For Petitioner : Mr.M.Saravanakumar for
Mr.K.K.Ramakrishnan

For Respondents: Mr.K.Anbarasan,
Government Advocate(Crl.Side)

O R D E R

This petition has been filed by the petitioner seeking for a direction to the respondents to give adequate police protection for fencing the property of the petitioner situated in survey Nos.251/1A, 1B1, 3A and 249/5B & 5C in Durai Rajapuram Colony, B.Meenakshipuram Village, Bodinayakkanoor Taluk, Theni District.

The brief facts of the case is as follows:-

2.The petitioner purchased the above said property for a valid consideration by way of a registered sale deed on the file of Sub-
Registry, Bodinayakkanoor vide Document Nos.527, 528 & 529/1998
on 23.02.1998. After purchasing the said property, the adjacent



land owners are interfering with the petitioner's peaceful possession and enjoyment of the same.

3.The alleged land grabbers/strangers filed a civil suit before the District Munsif-cum-Judicial Magistrate Court, Bodinayakkanoor in O.S.No.108 of 2008, praying for permanent injunction restraining the defendants from damaging the irrigation channel and further restraining them from surveying and demarketing the property as plots. Subsequently, the said suit was withdrawn by the plaintiff therein.

4.Thereafter, the petitioner filed a Writ petition in W.P(MD). No.11297 of 2008 before this Court with a prayer to provide adequate police protection to the petitioner and to direct the Tahsildar and Subordinates to survey and demarcate the land in question. Accordingly, this Court issued a direction to the Tahsildar to consider the representation of the petitioner dated 26.09.2008 after taking into account the alleged patta standing in his name, whereupon if he decides that the petitioner is owning the land in those survey numbers, he shall under take the task of measuring the property and if any obstruction on the side of the third parties, the liberty was granted to take assistance of the police.

5.Thereafter, the petitioner gave a complaint before the respondent police on 05.06.2014. Since no action was taken by the respondent police against the accused, the petitioner filed Criminal Original Petition in CrI.O.P(MD).No.11609 of 2014 with a prayer to direct the Inspector of Police to give police protection to the petitioner and his property.

6.After hearing the learned Government Advocate (CrI.side) the Criminal Original Petition was closed to approach the competent Civil Court, since the civil suit in O.S.No.97 of 2011 is pending before the competent Civil Court.

7.The learned counsel appearing for the petitioner would submit that it is the duty of the state law enforcing agency, to give adequate police protection for enjoyment of the property. He would further submit that the present petition is filed to provide police protection for fencing the property as per the decree passed by the Civil Court.

8.Considering the facts and circumstances of the case, there was civil Court decree in favour of the petitioner with regard to the property in question, However, I am not inclined to grant relief sought for by the petitioner. However, I issued a direction to the respondent police to consider the complaint dated 05.06.2014 and to pass orders in accordance with law within a period of two weeks from the date of receipt of a copy of this order.



9. With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar

/True copy/

WEB COPY

Sub Assistant Registrar

To

1. The Superintendent of Police,
Theni District,
Theni.

2. The Inspector of Police,
Taluk Police station,
Bodinayakkanoor,
Theni District.

+1cc to Mr. M. SARAVANAKUMAR, Advocate, SR. 82262

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RMK/VSA
KK/SV MMS/SAR 1/31.10.2017/ 3P- 4C/