



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP.(MD)No.11703 of 2017

P.Rengaraj

...Petitioner

Vs.

1.The District Collector,
Collectorate Campus,
Trichy District.

2.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Lalgudi, Trichy District.

3.The Inspector General of Police (IG)
O/o. The Inspector General of Police (IG),
Subramaniapuram,
Trichy District.

4.The Superintendent of Police,
O/o. The Superintendent of Police,
Trichy District.

5.The Inspector of Police,
Samayapuram Police Station,
Samayapuram, Trichy District.

6.Tamilarasi
7.Bagirathan
8.Eswaran
9.Moorthi
10.Selvakumar

...Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents No.1 to 5 to give adequate police protection to the petitioner and his family members for the life and limb based upon the complaint of the petitioner dated 28.08.2017.

For Petitioner : Mr.J.Sivaram

<https://hcservices.ecourts.gov.in/hcservices/> FOR P.1 to R.5

: Mr.K.Anbarasan

Govt. Advocate (Crl.Side)

**ORDER**

This petition is filed by the petitioner for directing the respondents No.1 to 5 to give adequate police protection to the petitioner and his family members for the life and limb based upon the complaint of the petitioner dated 28.08.2017.

2.It is stated that the petitioner is the owner of the property in Survey No.113/8AF, 113/8AH in Lalkudi, Trichy District. The petitioner also states that the joint patta was issued in the name of the petitioner. It is further stated that the respondents 6 to 10 attacked the petitioner by using deadly weapons in connection with a dispute in respect of the property to which the petitioner's name was shown as a Joint pattathar. The petitioner states that in order to protect his property he fenced the property, as a Joint Patta holder. It is further stated that the respondents 6 to 10 trespassed into the petitioner's land and damaged the fencing and removed the boundary stones. In the said circumstances, the petitioner has approached this Court for the above said relief, on the ground that the respondents 1 to 5 failed to exercise their power and jurisdiction to give protection to the petitioner.

3.It is to be noted that the petitioner has not produced any other document except settlement deed alleged to have been executed by one A.Chandrasekaran, who is none else than the petitioner's cousin. The settlement deed dated 20.12.2016, is a document which does not appear to be a natural one. It is unnatural to be believed that the petitioner's cousin out of love and affection had executed the settlement deed, it can be seen that the settlor claimed rights on the basis of another sale deed which was registered as Document No.4488/2016, dated 20.12.2016. It indicates that immediately after purchasing the property, the settlement deed has been executed in favour of the petitioner. Absolutely, no document is produced before this Court as to how the petitioner claims title to the said property.

4.The petitioner has only stated that his name is included in the joint patta. That means, the petitioner has reorganized only as a Joint-owner along with other persons.

5.No subdivision proceedings is relied upon by the petitioner to show that the properties were divided so as to recognise exclusive ownership in favour of the petitioner in respect of that portion of the property, which was conveyed to him. Unless, the petitioner's possession is ascertainable with reference to revenue records, it is not possible for the petitioner to fence the land without the concurrence of other persons whose names are also included in the joint patta as per the revenue records.

6.In the circumstances, the petitioner's claims that he is in lawful possession on the basis of settlement deed and that boundary survey stones and other stones which are meant to

demarcate the boundary of the petitioner are removed by the strangers are not believable.

7. The petitioner though has claimed title, he has not produced any other material documents even to satisfy, this Court prima facie that he is the person who is in lawful possession and enjoyment of the specific property.

8. Hence, in such circumstances, this Court is not inclined to entertain this petition. Having regard to the fact that the petitioner has not approached this Court with clean hands. This Court is also inclined to dismiss this petition with a cost of Rs.5,000/- (Rupees Five Thousand Only) to pay to the credit of the Chief Justice Relief Fund, within a period of two months from the date of receipt of a copy of this order. It is open to the petitioner to workout his remedy by approaching a Civil Court for appropriate relief. The Civil Court may dispose of such suit uninfluenced by any of the observations made in this order.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Collectorate Campus, Trichy District.
2. The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer, Lalgudi, Trichy District.
3. The Inspector General of Police (IG)
O/o. The Inspector General of Police (IG),
Subramaniapuram, Trichy District.
4. The Superintendent of Police,
O/o. The Superintendent of Police, Trichy District.
5. The Inspector of Police,
Samayapuram Police Station, Samayapuram, Trichy District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

COPY TO:

The Additional Registrar General,
Madurai Bench of Madras High Court, Madurai.

Das/tsg

MAS/SKN-RSK/SAR1:04.10.2017:3P-8C

ORDER MADE IN

CRL.OP.(MD) No.11703 of 2017

14.09.2017