



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:06.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

CRL.O.P.(MD)No.13544 of 2017

WEB COPY

Manickam

... Petitioner

-Vs-

1.The Deputy Superintendent of Police,
Ponnamaravathi Division,
Pudukottai District.

2.The Sub Inspector of Police,
Namana Samudram Police Station,
Ponnamaravathi Division,
Pudukottai District.

3.R.Karuppiah

... Respondents

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to pass an order for police protection to put up the fence around his land bearing Natham S.No.480/2, Kottur Village, Kottur Division, Thirumayam Taluk, Pudukottai District.

For Petitioner : Mr.V.Sitharanjandas

For R.1 and R.2 : Mr.K.S.Durai Pandian
Additional Public Prosecutor

O R D E R

This Criminal Original petition is filed for issuing a direction to give police protection to put up the fence around the petitioner's land situated in S.No.480/2, in Kottur Village, Kottur Division, Thirumayam Taluk, Pudukottai District.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 and 2.

3. The petitioner states that he is the owner of the property to an extent of 0.32.0 acres in Natham survey No.480/2, Kottur Village, Kottur Division, Thirumayam Taluk, Pudukottai District. The petitioner further states that he was given the joint patta in patta No.867 along with his wife Valliammai and his sons ~~Subramaniam and Kumar~~ and Kumar. The petitioner further states that the house, which was located in the property, is in a damaged



condition and that he wants put up fencing around the property, for which the patta stands in his name.

4. When the petitioner apprehends encroachment of land by any one can only approach the Civil Court for getting a declaration and consequential injunction. Since the respondents have no jurisdiction to decide as to whether the petitioner has title or that he is in lawful possession, it is not appropriate for this Court to give police protection for the physical enjoyment of the property, which according to the petitioner is in his enjoyment.

5. This Court, having regard to the nature of dispute, cannot entertain this petition. It is open to the petitioner to approach this Court, the Civil Court for appropriate relief.

6. With the above observation this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Deputy Superintendent of Police,
Ponnamaravathi Division, Pudukottai District.

2. The Sub Inspector of Police,
Namana Samudram Police Station,
Ponnamaravathi Division, Pudukottai District.

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

+1cc to M/S.V.SITHARANJANDAS, Advocate SR.No.81757

gsp/vsg

MAS/GT/SAR3:20.10.2017:2P-5C

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