

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 12.10.2017

CORAM:

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR**CRL.O.P. (MD) .No.13818 of 2017**

S.Parvathi

... Petitioner

Vs.

1. The Superintendent of Police,
Pudukottai District.

2. The State rep. By,
The Sub Inspector of Police,
Mathur Police Station,
Pudukottai District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the second respondent to grant police protection to measure the petitioner's land in Survey Nos.38/2 and 18/1B which is situated at Kunnathoor Village, Illuppur Taluk, Pudukottai on the basis of the petitioner's complaint, dated 05.10.2017.

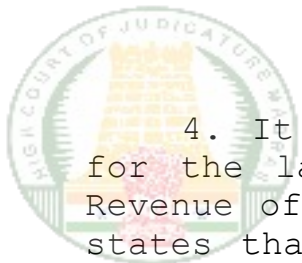
For Petitioner : Mr.R.Rajesh
For Respondents : Mr.K.S.Durai Pandiyan,
Additional Public Prosecutor.

ORDER

This Criminal Original petition is filed for issuing a direction to the second respondent to grant police protection to measure the petitioner's land in Survey Nos.38/2 and 18/1B which is situated at Kunnathoor Village, Illuppur Taluk, Pudukottai, on the basis of the petitioner's complaint, dated 05.10.2017.

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

3. The case of the petitioner is that he purchased the property measuring an extent of 2.02.0 Hectare in Survey No.38/2 and another property measuring an extent of 1.00.0 Hectare in Survey No.18/1B in Kunnathur Village, Illuppur Taluk, Pudukottai District by virtue of a registered Sale Deed dated 02.11.2015.



4. It appears that the petitioner has also obtained a Patta for the land purchased by him on 02.11.2015 and approached the Revenue officials for fencing the lands. However, the petitioner states that the adjacent land owners have raised some objections and caused obstructions.

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5. It is seen that there is a dispute between the petitioner and the neighbouring land owners with regard to the title and lawful enjoyment of the properties alleged to have been purchased by the petitioner. When the petitioner seeks police protection for the peaceful enjoyment of the property in which he claims title, the same cannot be given by this Court, as the petitioner has to establish his right by approaching the civil Court. In case his right is not admitted by any one and he apprehends threat to his possession in view of rival claims, the respondent police is not competent to decide the contentious issues relating to the property or enjoyment or any other rights, particularly, issues as to whether a person is in lawful enjoyment of the property or not. In such circumstances, for enabling the petitioner to measure the petitioner's land or to fence the petitioner's land, the petitioner cannot seek police protection and his remedy is only to approach the civil Court for getting a declaration of his lawful title or possession and consequential relief and to approach the police then for police protection, in case the civil Court has granted any order of injunction.

6. With the above observation, the Criminal Original petition is dismissed.

Sd/-

Assistant Registrar()

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Pudukottai District.
2. The Sub Inspector of Police,
Mathur Police Station, Pudukottai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.R.RAJESH, Advocate SR.No.83073.

Cr1.O.P. (MD) .No.13818 of 2017
12.10.2017