



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P. (MD) .No.14162 of 2017

Gandhi . . . Petitioner
Vs.

1. The Superintendent of Police,
Thanjavur,
Thanjavur District.
2. The Deputy Superintendent of Police,
Pattukottai,
Thanjavur District.
3. The Inspector of Police,
Sethuvasathiram Police Station,
Sethuvasathiram,
Thanjavur District.
4. Karuppiah
5. Selvam
6. Vaithi
7. Kalimuthu

. . . Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the third respondent to provide adequate police protection to the petitioner's life and limb at the time of survey of the petitioner's land on the basis of the petitioner's representation, dated 11.09.2017.

For Petitioner : Mr.S.Muthukumar

For R-1 to R-3 : Mr.K.S.Durai Pandiyan,
Additional Public Prosecutor.

ORDER

This Criminal Original petition is filed for issuing a direction to the third respondent to provide adequate police protection to the petitioner's life and limb at the time of survey of the petitioner's land on the basis of the petitioner's representation, dated 11.09.2017.



2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for respondents 1 to 3.

3. The petitioner asserts that he is the owner of a land measuring an extent of 7 ½ cents in Survey No.40/12 in Nadiyam Village, Santhampettai, Kuruvikarampai Post, Peravoorani Taluk, Thanjavur District. The petitioner himself admits that when he made an attempt to establish his right by putting up stone pillars, there was an obstruction by his neighbouring land owners and that the stone pillars were removed by them. It is in these circumstances, the petitioner has approached the revenue officials for measuring his property. In the representation to the respondents, the petitioner seeks police protection at the time when the petitioner plans to survey his land with the help of revenue officials and to fence his property.

4. When the petitioner seeks police protection to fence his property, he must establish his right over the property either by a civil Court decree or by records which is not refuted by any rival claim. Giving police protection to the petitioner in this case to survey his land and to fence his property may lead to the interference with civil dispute. When there is a rival claim over the property as against the petitioner's assertion, the petitioner's remedy is only to approach the civil Court for appropriate relief.

5. This Court has repeatedly pointed out that the petition for police protection cannot be entertained to establish the civil right or for the purpose of protecting his possession as neither the revenue officials nor the police officials are competent to decide any issue relating to the lawful ownership or enjoyment of the property. In such circumstances, this petition is not maintainable and hence, this petition cannot be entertained. Hence, the Criminal Original petition is dismissed.

Sd/-

Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar

To

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

<https://hcservices.courts.gov.in/hcservices/>
2. The Deputy Superintendent of Police,
Pattukottai, Thanjavur District.



3. The Inspector of Police,
Sethuvasathiram Police Station,
Sethuvasathiram, Thanjavur District.

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

+ 1 cc TO Mr.S.Muthukumar , Advocate in SR No. 83482

pmu

AE/GT/SAR2/06.11.2017/3P/6C

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24.10.2017