



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P. (MD)No.16961 of 2017

WEB COPY

Prasanna

: Petitioner

-Vs-

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

2.The Inspector of Police,
Sethubavasamuthiram Police Station,
Thanjavur District.

3.Subramani

: Respondents

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to direct the second respondent not to interfere with the civil dispute pending before the District Munsif, Pattukkottai in O.S.No.215 of 2017.

For Petitioner

: Mr.B. Anandan

For Respondent

: Mr.K.S. Duraipandian

Additional Public Prosecutor

O R D E R

This Criminal Original petition is filed for issuing a direction to the second respondent not to interfere with the civil dispute pending before the District Munsif Court, Pattukkottai in O.S.No.215 of 2017.

2. The petitioner states that he is having agricultural land at Erivayal Village, Pattukkottai Taluk. It is the case of the petitioner that the land in S.No.45/15B is a common pathway and that it is being enjoyed by the third respondent herein to reach their agricultural field. He further states that the petitioner has filed a suit in O.S.No.215 of 2017, on the file of the District Munsif, Pattukkottai along with interim application for temporary injunction and the same is also pending. It is admitted by the petitioner that no interim injunction so far granted and the matter is posted for hearing on 13.12.2017. Hence, the petitioner has approached this Court for seeking a direction to the 2nd respondent not to interfere with the civil dispute stating that the Police authority is not competent to decide whether the petitioner has got any right over the property.



on the basis of some documents. Unless, the petitioner's right is recognized either under a registered document or by a Civil Court, this Court or Police authority cannot assume the easementary right in favour of the petitioner, in respect of particular portion of land. Hence, the petitioner is not entitled to a relief in the nature prayed for, which is likely to be interpreted differently before the Civil Court.

4. On the strength of direction of this Court, the petitioner may get an interim order before the Civil Court. Unless the Civil Court recognize the petitioner's right, a direction by this Court is unwarranted. If the Civil Court has passed an order in favour of the petitioner, on the basis of such order, it may be open to the petitioner to approach the police authority for police protection. If an order of injunction is granted by the Civil Court, the petitioner can also approach the Civil Court for appropriate direction to get Police Protection.

5. With the above observation, the Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(w)

/True Copy/

Sub Assistant Registrar

To

1. The District Munsif, Pattukkottai.
2. The Superintendent of Police,
Thanjavur District, Thanjavur.
3. The Inspector of Police,
Sethubavasamuthiram Police Station,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

TRP

VB/JC/SAR3/11/01/2018/2P/5C

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