



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

Crl.O.P. (MD) No.424 of 2017

Rajapandi

... Petitioner

Vs.

1. The Tahsildhar,
Ilayankudi Taluk,
Sivagangai District.

2. The Inspector of Police,
Ilayankudi Police Station,
Sivagangai District.

3.Karuppiah

...Respondents

PRAYER : Petition filed under Section 482 of Criminal Procedure Code, seeking to direct the 2nd respondent to give adequate police protection to survey land in S.No.245/4A, 4B to the extent of 87½ cents situate at Lakshmipuram Panchayat Ilayankudi taluk Sivagangai District and thereby fix the boundary stone in his property on the basis of his complaint dated 26.11.2016.

For Petitioners : Mr. R.Ramachandran

For Respondent R1+R2 : Mr. K.Anbarasan
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking police protection to survey the land in survey No.245/4A, 4B to the extent of 87 ½ cents situated at Lakshmipuram Panchayat, Ilanyankudi Taluk, Sivagangai District and thereby fixed the boundary stone.



2. Heard the learned counsel for the petitioner and the learned Government Advocate (crl. side) for the respondents 1 and 2. The petitioner seeks direction for police protection to survey the private land and. Notice to the third respondent is not necessary, as there will not be any adverse order.

3. The learned Government Advocate (crl. side) would submit that already police went with the petitioner and the third respondent who has been in possession of the property objected to the survey and therefore, they returned.

4. Since the third respondent is said to have been in possession of the property and objects for the survey and the petitioner claims right over the property, the petitioner has to redress his remedy by approaching the appropriate civil forum. Therefore, this Criminal Original Petition is liable to be dismissed.

5. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (Crl. Side)

/True Copy/

Sub Assistant Registrar

To

1. The Tahsildhar,
Ilayankudi Taluk,
Sivagangai District.
2. The Inspector of Police,
Ilayankudi Police Station,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD) No. 424 of 2017
12.01.2017

rj2