



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2017

CORAM

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THE HON'BLE MR.JUSTICE S.S.SUNDAR

Crl.O.P.(MD) No. 4554 of 2017

K.Rajeshwari

...Petitioner

-Vs-

1.Superintendent of Police,
Tirunelveli District.

2.Deputy Superintendent of Police,
Alankulam,
Tirunelveli District.

3.The Inspector of Police,
Paavoorchattram Police Station,
Paavoorhcattram,
Tirunelveli District.

4.A.Rajasekar

5.Ponnuthurai

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the 1 to 3 respondents to provide police protection to save the life and property of the senior citizens as well as not to interfere with their peaceful possession and enjoyment of their property.

For Petitioner : Mr.M.Shema Daniel

For R1 to R3 : Mr.A.Ramar

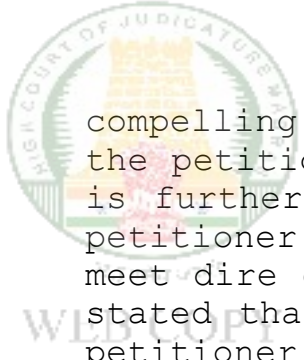
Additional Public Prosecutor

For R4 & R5 : Mr.T.R.Jeyapalam

ORDER

This Criminal Original Petition has been filed to direct the respondents 1 to 3 to provide police protection to save the life and property of the senior citizens as well as not to interfere with their peaceful possession and enjoyment of their property.

2.The petitioner claims ownership over a agricultural land in S.Nos.1668, 1669 and 1689 in Keelapavoor Village, Tirunelveli District. The petitioner stated that the private respondents intruded in her agricultural land and looted the grains on 21.11.2016. It is further stated that the fourth respondent is



compelling the petitioner to register the land in his name or else the petitioner will be killed along with their family members. It is further stated that the respondents 4 and 5 have attacked the petitioner's husband and threatening the petitioner that she would meet dire consequences. In such circumstances the petitioner also stated that she gave a complaint to the respondents 1 to 3. The petitioner stated that she is entitle to get police protection.

3.The learned counsel appearing for the respondents 4 and 5 disputed the contention of the petitioner and filed a counter affidavit. In paragraph 4 of the counter affidavit, it is stated that the respondents 4 and 5 are in enjoyment of the property as service holders of the properties in S.Nos.1668, 1669 and 1689 in Keelapavoor First Bit Village, Alangulam Taluk, Tirunelveli District and further stated that the said properties belonged to Arulmighu Sri Courtallanaatha Swamy Temple, Courtallam. It is further stated that the father of respondent No.4 and his paternal uncle were granted ryotwari patta subject to conditions.

4.The learned counsel for the petitioner disputed the fact that the respondents 4 and 5 are in enjoyment of the land which belongs to the said Temple and that the land is being used for "Kovil Uzhiyam". The learned counsel for the petitioner produced a document namely, resettlement register extract as a piece of evidence to prove the absolute ownership of the petitioner over the property. This contention cannot be accepted. Since the petitioner claims ownership over the property, as against the claim of the respondents 4 and 5, this Court cannot give police protection to the petitioner. There is a dispute on title. The petitioner has not produced materials to claim her excessive ownership.

5.It is open to the petitioner to approach the civil Court for establishing her title and enjoyment in the manner known to law and to get declaration from the civil Court. After getting declaration over the property from the Civil Court, in case, it is also open to the petitioner to approach the civil Court to get police protection on the strength of an order of injunction restraining the private persons from interfere with her peaceful possession and enjoyment.

6.The Criminal Original Petition is dismissed with the above observation.

Sd/-

Assistant Registrar(CS-II)

/True Copy/



To

1. Superintendent of Police,
Tirunelveli District.

2. Deputy Superintendent of Police,
Alankulam,
Tirunelveli District.

3. The Inspector of Police,
Paavoorchattram Police Station,
Paavoorhcattram, Tirunelveli District.

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

+1cc to M/S.T.R.Jeyapalam, Advocate SR.No. 87666

+1cc to M/S.M.Shema Daniel, Advocate SR.No. 87665

Cr1.O.P.(MD) No. 4554 of 2017

mm

JM/SV MMS/SAR 1/19.12.2017/3P/7C