



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.7344 of 2017

WEB COPY

N.Muthupandi

: Petitioner

-Vs-

1.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.

2.The Inspector of Police,
Melur Taluk Police Station,
Melur,
Madurai District.

3.Ilavarasan @ Peiyandi

: Respondents

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, praying to direct the second respondent herein to provide adequate police protection for a period of two days to the petitioner's land to lay the fencing to his property comprised in Survey No.96/4 having total extent of 0.01.28.0 by considering the petitioner's representation dated 07.05.2017.

For Petitioner : Mr.B.Arun

For Respondents : Mr.K.Anbarasan

1 and 2

Government Advocate (Crl. Side)

O R D E R

This petition is filed to direct the second respondent to provide adequate police protection for a period of two days to the petitioner's land to lay fencing to his property comprised in Survey No.96/4 having total extent of 0.01.28 hectares by considering the petitioner's representation.

2.In the petitioner's representation, he has stated that the property comprised in Survey No.96/4 is a natham property and it is in the enjoyment of the petitioner ancestrally. It is further stated that he has filed a suit already in O.S.No.403 of 2012 on the file of the District Munsif Court, Melur, for permanent injunction and obtained a decree by a judgment dated 21.01.2014. It was in the said circumstances, the petitioner has also filed an application before the Tahsildar for demarcation of boundary and to fence the property, the petitioner seeks police protection. The subject matter of the suit in O.S.No.403 of 2012



on the file of the District Munsif Court, is an extent of 9 cents in Survey No.96/5 in Maruthur village. The property which is now referred to by the petitioner in his application seeking police protection is a property measuring different extent and the survey number referred to is S.No.96/4. In such circumstances, the representation as well as the petition before this Court seeking police protection for a different property, which is not the property in respect of which, the petitioner's right is declared by the Civil Court, is clearly an abuse of process of law. Hence, this Criminal Original Petition is dismissed with a cost of Rs.10,000/- (Rupees Ten Thousand only) payable to the credit of the Hon'ble Chief Justice Relief Fund within a period of two weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(co)

/Truecopy/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.
- 2.The Inspector of Police,
Melur Taluk Police Station,
Melur, Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

COPY TO:

The Section Officer,V.R.Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.B.ARUN, Advocate SR.No.72196

SRM

MAS/SKN-RSK/SAR2:24.08.2017:2P-6C

CRL.O.P. (MD) No.7344 of 2017
10.08.2017