



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2017

CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDARCrl.O.P(MD) No.8264 of 2017

WEB COPY

C.Rajathangam

... Petitioner

-vs-

1.The Superintendent of Police,
Tirunelveli District.

2.The Inspector of Police,
Kalakadu Police Station,
Tirunelveli District.

3.Nayenar

4.Gomathi

5.Rengarajan

...Respondents.

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying this Court to direct the first and second respondents to give police protection to the petitioner for doing agricultural operations in the petitioner's land bearing survey Nos.402/1, 402/2, 403 and 402/3 to an extent of 3 acres situated in V.K.Nagar, Padmaneri Village, Padmaneri Panchayat, Kalakad Panchayat Union, Nanguneri Taluk, Tirunelveli District based on his representation dated 13.06.2017.

For Petitioner : M/s M.Benazir Begum
For RR 1 and 2 : Mr.K.Anbarasan
Government Advocate (Crl.side)

For RR 3 to 5 : No Appearance

O R D E R

This Criminal Original Petition has been filed to direct the first and second respondents to give police protection to the petitioner for doing agricultural operations in his land, bearing Survey Nos.402/1, 402/2, 403 and 402/3 to an extent of 3 acres situated in V.K.Nagar, Padmaneri Village, Nanguneri Taluk, Tirunelveli District, based on his representation dated 13.06.2017.

2. Heard the learned counsel appearing for the Petitioner and the learned Government Advocate(Crl.side) appearing for the respondents 1 and 2.

3. The contention of the petitioner is that he is the owner of the land. According to the petitioner, the land was purchased by the petitioner by a registered sale deed and now he is in possession and enjoyment of the same.



4. The petitioner himself admitted that he gave a criminal complaint before the second respondent stating that in order to grab the land, the respondents 3 to 5 tried to attack the petitioner. It appears that the petitioner himself has executed some document in favour of third parties. His contention is that such document is only for money transaction obtained from the petitioner as a security.

5. The question is about the fact whether the petitioner is in lawful possession of the property or not. Even if the case of the petitioner is accepted, the remedy lies before the Civil Court. Unless the petitioner establishes his lawful possession as against the respondents 3 to 5 against whom he has given the complaint, the case of the petitioner that he is in lawful possession cannot be decided by this Court. However, if no document is executed by the petitioner transferring the title or enjoyment in the manner and as provided under the Transfer of Property Act, the lawful possession can also be performed and the respondent police shall give protection. But the petitioner has not produced the relevant documents. Otherwise, the petitioner has to approach the Civil Court and get appropriate orders, by establishing that he is in lawful possession of the property and also establishing that the private respondents 3 to 5 are trying to grab his property. The petitioner has to get a declaration about the invalidity of any registered documents if those documents exist and were given as security for money transaction. Thus this Court is not in a position to appreciate or accept the case that he needs police protection.

7. With the above observations, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar.

To

1.The Superintendent of Police, Tirunelveli District.

2.The Inspector of Police, Kalakadu Police Station,
Tirunelveli District.

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

CrI.O.P. (MD) No.8264 of 2017

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