



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:18.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P. (MD) No.8261 of 2017

M.Murugan

... Petitioner

-Vs-

1. The Superintendent of Police,
Dindigul District, Dindigul.

2. The Inspector of Police,
Kannivadi Police Station,
Dindigul District.

3. Ramu

... Respondents

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to direct the respondents 1 and 2 to provide adequate police protection to the petitioner's life and limb and his property in S.F.No.788/1 in Kasavanampatti Village on the basis of the petitioner's representation dated 20.06.2017.

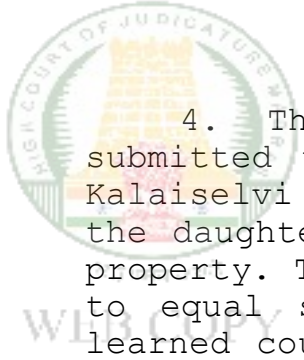
For Petitioner	: Mr.V.Karuna
For R1 & R2	: Mr.K.Anbarasan
	Government Advocate (Crl.Side)

O R D E R

This petition has been filed to direct the respondents 1 and 2 to provide adequate police protection to the petitioner's life and limb and property in S.F.No.788/1 in Kasavanampatti Village.

2. The petitioner states that he has purchased a property in S.F.No.788/1 to an extent of 4 acres and 7 cents for a valuable consideration of Rs.1,10,108/-, on 01.06.2016 by a registered sale deed from one Tmt.Kalaiselvi, W/o.K.C.Chinnadurai. The petitioner further states that after the sale deed in his favour, he wanted to fence the land purchased by him and therefore, he gave a complaint before the second respondent, who issued a receipt also on 28.06.2016.

3. It is the case of the petitioner that the 3rd respondent is frequently trespassing into the petitioner's land and therefore, he should be protected from his enjoyment of the property purchased by him.



4. The learned counsel appearing for the 3rd respondent submitted that the petitioner has purchased the property from one Kalaiselvi by a sale deed dated 01.06.2016. The said Kalaiselvi is the daughter of one Chinnathai, who was the original owner of the property. The said Chinnathai had 4 other sisters, who will entitled to equal share in the property. It is the further case of the learned counsel for the 3rd respondent that the said Kalaiselvi had already entered into a sale agreement in respect of her right in the property, in favour of the 3rd respondent. After entering into a sale agreement with the 3rd respondent in respect of her 1/4th share in the property in dispute, however, after disclosing that she is only a co-owner and having $\frac{1}{4}$ share in the property, it appears that the said Kalaiselvi has executed a sale deed in respect of an extent of 4 acres 7 cents which is the total extent of property owned by all the 4 co-owners.

5. From the nature of dispute, the petitioner's title is in dispute. The petitioner has not produced any document to show that he is in exclusive possession of land which was purchased by him recently in 2016. Since there are rival claims, it is appropriate that the petitioner should approach the civil Court for declaration of his right and for consequential relief. It is not as if the petitioner does not know that there is rival claim.

6. The petitioner has approached this Court with a false case and suppressing material facts. Having regard to the circumstances indicated, this petition is dismissed with cost of Rs.10,000/- payable to the Honourable chief Justice Relief fund.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Dindigul District, Dindigul.
2. The Inspector of Police,
Kannivadi Police Station,
Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO Mr.V.KARNA, ADVOCATE IN SR No. 66437
+ 1 CC TO Mr.M.SELVAKUMAR, ADVOCATE IN SR No. 66385

PSD/AKV

<https://hcservices.ecourts.gov.in/hcservices/>

TE/MP-KRR/SAR-11 : 04/08/2017 : 2P/6C

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