

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 11.10.2018

CORAM :  
THE HONOURABLE MR. JUSTICE P.N.PRAKASH  
Crl.O.P.No.21438 of 2018

Ponammal

.. Petitioner

Vs

1.The Superintendent of Police,  
Namakal.

2.The Inspector of Police,  
Pallipalayam Police Station,  
Tiruchengode,  
Namakal District.

3.Ramakrishnan

4.Kamalasekaran

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents 1 and 2 to give police protection to use the cart track on the basis of the representation dated 21.08.2018 and permit the petitioner to cut the sugarcane cultivated in Survey No.172/1E on extend of 0.79 Hectare and Survey No.5 on extend of 1.96 situated at Kokarayanpettai Village, Pallipalayam Taluk, Namakal District.

For Petitioner : Mr.P.Tamilavel

For R1 and R2 : Mrs.M.Prabhavathi  
Additional Public Prosecutor

For R3 and R4 : Mr.N.Manokaran

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O R D E R

This Criminal Original Petition has been filed to direct the respondent 1 and 2 to give police protection to use the cart track, on the basis of the representation dated 21.08.2018 and permit the petitioner to cut the sugarcane cultivated in Survey No.172/1E to an extent of 0.79 Hectare and Survey No.5 to an extent of 1.96, situated at Kokarayanpettai Village, Pallipalayam Taluk, Namakal District.

2. It is the case of the petitioner that the cart track measuring 11 feet in breadth, running east to west through S.F.No.176/1A2 in Kokarayanpettai Village was the subject matter of the dispute in O.S.No.675 of 1982, which matter came up to this Court in S.A.No.1592 of 1988. While so, the petitioner is said to be successor interest of the original plaintiff in O.S.No.675 of 1982 and she is seeking free ingress and egress through the cart track for transporting her agricultural produce out of her farm land.

3. It is the case of the petitioner that the respondents 3 and 4 are preventing the petitioner from using the cart track and therefore, the petitioner gave a complaint seeking police protection and thereafter, filed the present application for police protection.

4. Heard Mr.P.Tamilavel, learned counsel for the petitioner, learned Additional Public Prosecutor, appearing for the 1<sup>st</sup> and 2<sup>nd</sup> respondents and Mr.N.Manokaran, learned counsel for the 3<sup>rd</sup> and 4<sup>th</sup> respondents.

5. Mr.N.Manokaran submitted that much water has flown under the bridge, after O.S. No.675 of 1982 inasmuch as, the petitioner herself has filed a suit in O.S.No.104 of 2016 before the District Munsif Court, Tiruchengode, in which, she has claimed that the said cart track is in S.No.176/2A2 and that the respondent 3 and 4 are not at all concerned with that survey number.

6. However, the learned counsel for the petitioner submitted that in the plaint in O.S.No.104 of 2016, the survey number has been wrongly mentioned as 176/2A2, instead of 176/1A2, and the petitioner has filed an amendment application.

7. In the opinion of this Court, these disputed questions of fact cannot be gone into, in a petition under Section 482 Cr.P.C. That apart, this Court cannot give any finding with regard to ownership, title or possession of any immovable property in a petition under Section 482 Cr.P.C. and it is for the Civil Court to decide, based on the evidence(s) adduced by the parties therein.

8. However, the learned counsel for the petitioner submitted that the petitioner has planted sugarcane in the farm-land and they are ready for harvest. Of course, she has to use the cart track for transporting the sugarcane out of the farm-land.

9. In view of the representation, this Court directs the police to afford necessary protection to the petitioner for a period of two weeks to transport her agricultural produce through the cart track, as a one time measure, without prejudice to the contentions of both the sides in the pending civil suits.

This order cannot in any manner be used in the Civil Court by either side.

With the above directions, this Criminal Original Petition is closed.

Sd/-  
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Superintendent of Police,  
Namakal.
- 2.The Inspector of Police,  
Pallipalayam Police Station,  
Tiruchengode,  
Namakal District.
- 3.The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.N.Manokaran, Advocate, S.R.No.70851  
+1cc to Mr.P.Tamilavel, Advocate, S.R.No.70467

Crl.O.P.No.21438 of 2018

JP(CO)

rrs 12/10/2018

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