

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.7715 of 2018

M.Kandaswamy

... Petitioner

Vs

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

2. The Inspector of Police,
Vedaranyam Police Station,
Vedaranyam,
Nagapattinam District.

3. K.Balasubramanian

4. B.Subbiah

5. B.Prakash

6. B.Marriappan

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the 2nd respondent to give sufficient police protection to the petitioner and their properties for conducting the survey and putting fence around their properties, based on the complaint dated 20.02.2018.

For Petitioner :Mr.M.Palanivel

For Respondents :Mr.C.Raghavan

Government Advocate (Crl.Side)
for R1 and R2

Mr.N.Pragasam for R3 to R6

ORDER

The relief sought for in this petition is to direct the 2nd respondent to give police protection to the petitioner and their properties for conducting survey and putting fence around their properties, based on the complaint dated 20.02.2018.

2.On a reading of the averments in the petition, it appears that K.Marriappan, the father of the petitioner and K.Balasubramanian (R3) are blood brothers and the dispute essentially appears to be civil in nature.

3.Mr.P.Agoram, Special Sub Inspector of Police, Vedaranyam Police Station, Nagappattinam District, is present before this Court.

4.It is the case of the petitioner that the property absolutely belongs to him and the respondents 3 to 6 are not permitting the petitioner to have the property surveyed by the Revenue officials. This Court in exercise of its power under Section 482 Cr.P.C, cannot decide possession or title of the property, nor the police can decide the above. However, as and when the Court Commissioner or Taluk Surveyor require Police protection, the Police shall provide protection only for them and not for the petitioner.

5.With the above direction, this Criminal Original Petition is closed.

It is made clear that police protection can be afforded only to the Court Commissioner or Taluk Surveyor, on their request, as the case may be, for measuring the property.

Sd/-
Assistant Registrar(CS-)

//True Copy//

Sub Assistant Registrar

mps

To

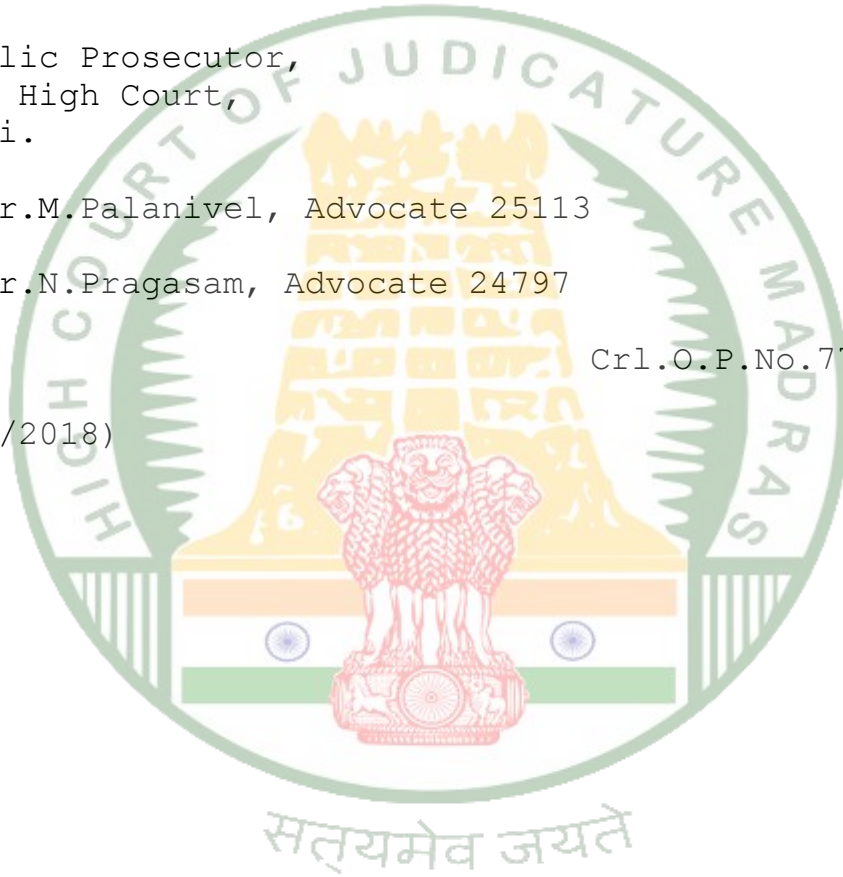
1. The Superintendent of Police,
Nagappattinam District,
Nagappattinam.
2. The Inspector of Police,
Vedaranyam Police Station,
Vedaranyam,
Nagappattinam District.
3. The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to Mr.M.Palanivel, Advocate 25113

+1cc to Mr.N.Pragasam, Advocate 24797

Cr1.O.P.No.7715 of 2018

RRK(17/04/2018)



WEB COPY