

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.2820 of 2018

Sebastin

... Petitioner

Vs.

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

2.The Inspector of Police,
Kannamangalam Police Station,
Thiruvannamalai District.

3.Vinoth Kumar

4.V.Rajesh

5.Raji

6.Vijaya

... Respondents

Prayer:Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondents to give police protection to the lives of the petitioner. The petitioner's representation dated 17.01.2018 in order to safeguard the petitioner's life from the assaultants 3 to 6 respondents viz.,Vinoth Kumar S/o.Venkatesh, Rajesh Ex.President, Raji S/o. Varadan , Vijaya W/o Manohar.

For Petitioner : Mr.M.Rajendiran

For Respondents 1 & 2 : Mrs.P.Kritika Kamal,
Government Advocate (Crl. Side)

For Respondents 3 & 6 : No appearance

ORDER

This petition has been filed by the petitioner seeking for a direction to the respondents 1 & 2 to give protection to his lives, based on his representation dated 17.01.2018.

2. Heard M.Rajendiran, learned counsel for the petitioner, Mrs.P.Kritika Kamal, learned Government Advocate (Crl. Side) for the respondents 1 & 2. Though notice has been served on the respondents 3 to 6 and their names are also printed in the cause list today, none appears on their behalf.

3. The petitioner claims to be the owner of the property situated at Survey Nos.205/5, 204 and 204/6 in Vannangulam Village, Thiruvannamalai District. According to the petitioner, he also has the benefit of decree with regard to his title over the subject lands. In view of the obstructions raised by the respondents 3 to 6 herein, he has lodged a complaint dated 17.01.2018, seeking for protection.

4. Learned Government Advocate (Crl. Side) submitted that the subject lands, where the petitioner is seeking permission, is being used as public footpath for the past many years.

5. Refuting the same, learned counsel for the petitioner submits that in view of the declaration of title in his name, no other persons will have the right over the property.

6. This Court exercising its power under Section 482, cannot go into the merits of these facts as to the title of the land and it is for the second respondent to consider the petitioner's request, based on the materials placed before him for the limited extent of granting permission.

7. In the result, the petitioner is granted liberty to approach the second respondent seeking for protection and on receipt of the same, the second respondent shall consider the same on its own merits and pass orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this Order, after giving due opportunity to the petitioner as well as the respondents 3 to 6 herein and any other persons who may be interested in the subject land.

8. With the above observation, the Criminal Original Peititon stands disposed of.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

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

2.The Inspector of Police,
Kannamangalam Police Station,
Thiruvannamalai District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Rajendiran, Advocate, S.R.No.17611

RRK(16/03/2018)

CrI.O.P.No.2820 of 2018



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