

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2018

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.26917 of 2018

S.Subramanian

.. Petitioner

Vs.

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

2. The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to directing the Respondents herein to give necessary police protection to the life, liberties and property of the petitioner herein and also to remove the obstruction in the previously existing pathway by considering his complaint dated 15.10.2018 and even with the payment of necessary charges.

For Petitioner : Mr.V.Karthik
Senior Counsel
for Mr.D.Gopal
For Respondents : Mr.C.Raghavan
Government Advocate
(Crl. Side)

O R D E R

This petition has been filed seeking for police protection to the petitioner to remove the obstruction in the existing pathway.

2. The learned Senior Counsel appearing on behalf of the counsel for the petitioner would submit that the petitioner was allotted an extent of 84 cents of land in S.F.No.66/1G and the petitioner is running a Paper Industry. The access to the said property is through S.F.No.66/1H and 66/1A. The learned Senior counsel would submit that the accused person have dug up the pathway, which is the only access to the factory and the petitioner is not even able to fill up the pathway, since there is a potential threat to life and limb of the petitioner. Therefore, the petitioner has given the complaint to the respondent police on 15.10.2018, seeking for police protection. This complaint has not been considered by the respondent police and therefore, present petition has been filed seeking for appropriate directions.

3. It can be seen from the records that the person, who has been accused of digging up the pathway and who is preventing the petitioner from having access to his factory, has filed a suit in O.S.No.83 of 2018, before the District Munsif Court, Tiruchengode, praying for the relief of partition and for allotment of 1/6th share in the property. In the said suit, the petitioner is also one of the defendants. The learned Senior Counsel would submit that the subject matter of the suit has not even been properly described in the plaint.

4. The complaint that has been given by the petitioner is pending before the 2nd respondent. This Court is not in a position to grant relief as sought for by the petitioner, since it involves the identity of the property and also the inter se rights of the parties.

5. In the facts and circumstances, there shall be a direction to the 2nd respondent to conduct an enquiry, based on the complaint given by the petitioner and if the 2nd respondent finds that the person against whom, the complaint has been given, has no right over the property in question, appropriate action may be taken in accordance with law. If the 2nd respondent finds that there is an inter se dispute between the parties with regard to the right over the pathway, the 2nd respondent shall relegate the parties to the competent Civil Court, where the suit is pending in O.S.No.83 of 2018. This exercise shall be completed by the 2nd respondent within a period of two weeks from the date of receipt of a copy of this order.

6. With the above direction, this Criminal Original Petition is disposed of.
ssr/ub

Sd/-
Deputy Registrar

//True copy//

Sub Assistant Registrar

To

1. The Superintendent of Police,
Namakkal, Namakkal District.
2. The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.
3. The Government Advocate, High Court, Madras.

+1cc to Mr.D.Gopal, Advocate SR.No.78954

KR/23/11/18