



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
Crl.O.P.(MD)No.21704 of 2018

S.M.S.Selvaganesan

: Petitioner

Vs.

1.The Additional District Magistrate,
Pudukottai District.

2.The District Superintendent of Police,
Pudukkottai District.

3.The Inspector of Police,
Panayapatti Police Station,
Pudukottai District.

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the third respondent to provide adequate protection to the petitioner for cutting or removing fallen and standing tamarind trees in the properties in old Survey No.207, New Survey No.703/6 of Melappanaiyur Village, Thirumayam Taluk, Pudukkottai District belonging to him

For Petitioner	: Mr.RM.Arun Swaminathan
For Respondents	: Mr.A.Robinson, Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking for direction the third respondent to provide adequate protection to the petitioner for cutting or removing fallen and standing tamarind trees in the properties in old Survey No.207, New Survey No.703/6 of Melappanaiyur Village, Thirumayam Taluk, Pudukkottai District.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents.

3.The learned counsel for the petitioner would submit that the petitioner is the owner of the property in old Survey No.207, New Survey No.703/6 of Melappanaiyur Village, Thirumayam Taluk, Pudukkottai District. There are 15 tamarind trees in the above property and they had fallen due to cyclone Gaja. When the petitioner attempted to remove the fallen trees, the persons belonging to local village and others along with the Village Administrative Officer had threatened him. He would submit that some discrepancy has crept in the village record and it has been



shown as a revenue promboke, whereas, the property actually belonging to his family and thereby he has also approached the District Revenue Officer to make appropriate corrections in the village records.

4. Per contra, the learned Government Advocate (Cr1.Side) would submit that as per the village records, the property mentioned in the Survey Number, does not belong to the petitioner and it is shown as village poramboke as per the certificate given by the local Village Administrative Officer and since an attempt had been made by the petitioner to remove the trees, it had been objected by the Village Administrative Officer and the Local Villagers.

5. At this juncture, the learned counsel for the petitioner would submit that taking advantage of the discrepancy, the village people in collusion with the Village Administrative Officer are trying to remove all the valuable timbers from the fallen trees in the above premises, and if they are allowed to remove the valuable trees, it would cause great prejudice to him. He would further submit that till finality as arrived at a direction may be issued to the police to give protection to the property and to prevent the miscreants from removing the property from his land.

6. Taking into consideration, there is a dispute with regard to the property, the police shall ensure that the timber lying in the above survey number shall not be removed by anybody without any finality being attained with regarding the ownership of the property.

With this observation, this Criminal Original petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS-III)

To:

1. The Additional District Magistrate, Pudukkottai District.
2. The District Superintendent of Police, Pudukkottai District.
3. The Inspector of Police,
Panayapatti Police Station, Pudukkottai District.
4. The Additional public Prosecutor,
Madurai Bench Of Madras High Court, Madurai.

- 1 CC TO Mr.RM.Arun Swaminathan , ADVOCATE IN SR No.99804.
- CP
- DS RSK SAR3 14 12 2018 2P 6C