

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 26.10.2018****CORAM:****THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH****Crl.O.P. (MD) .No.19055 of 2018**

1.Senthilkumar
2.Selvakumar
3.Vellathai
4.Thavapetchi

... Petitioners

Vs.

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

2.The Sub Inspector of Police,
Viru Veedu Police Station,
Dindigul District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to direct the respondent to provide Police protection to the life and limb of the petitioners by considering the petitioners representation dated 13.10.2018 and take necessary action with the time stipulated by this Court.

For Petitioners	: Mr.R.Suresh Kumar
For Respondents	: Mr.R.Anandharaj
	Additional Public Prosecutor

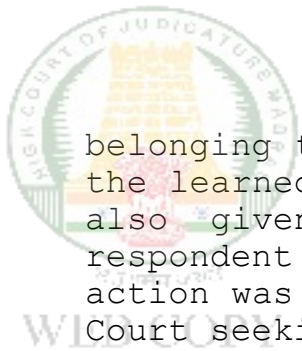
O R D E R

This Criminal Original Petition has been filed seeking for Police direction to the life and limb of the petitioners.

2.The learned counsel appearing for the petitioners would submit that there is a cart track running in Survey No.239/1B and 239/2 at Veeru Veedu Village, Nilakottai Taluk, Dindigul District. The encroachment was made in the said common pathway and therefore, the Writ Petition was filed by the first petitioner in W.P. (MD) .No.20844 of 2018, before this Court.

3.When the matter came up for hearing on 10.10.2018, the learned Additional Advocate General appearing on behalf of the Revenue Department, made a submission that the encroachment has already been removed and encroachers have been warned that they should not repeat the action of putting up encroachment in the common pathway. Recording the same, the Writ Petition was disposed of.

4.The learned counsel appearing for the petitioners would submit that even subsequent to the passing of this order, the encroachers are again preventing the petitioners and others



belonging to the village from using the cart track. According to the learned counsel appearing for the petitioners, a complaint was also given to the respondent Police on 13.10.2018 and the respondent Police have also issued C.S.R.No.199 of 2018. Since no action was taken, the present complaint has been filed before this Court seeking for Police protection.

5.The learned Additional Public Prosecutor on instructions would submit that the Police have enquired the petition and have closed it as civil dispute.

6.This Court is not able to understand as to how the respondent Police can close the present complaint given by the petitioners. Admittedly, the property in question is a cart track used by the general public. When an encroachment was made, on an earlier occasion, this Court, pending the Writ Petition, directed the Revenue Department to remove the encroachment and report before this Court. It was also submitted before this Court that warning has been given against the encroachers not to again put up any encroachment in the cart track. Recording the said submission, the Writ Petition was dismissed as infructuous. Now the encroachers are again preventing the general public from using the cart track. Under such circumstances, the respondent Police ought to have taken action against the encroachers and should not have closed the complaint in a callous manner. After all, the respondent Police is expected to safeguard the rights of persons who use the common cart track as an access road.

7.In view of the above, there shall be a direction to the respondent Police to take action against the encroachers in accordance with law and if necessary provide police protection to the petitioners.

8.The Criminal Original Petition is disposed of with the above directions.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS-I)

To

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

<https://heservices.ecourts.gov.in/hcservices/>
2. The Sub Inspector of Police,
Viru Veedu Police Station,
Dindigul District.



3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC To MR.R.SURESH KUMAR, Advocate SR. NO. 92215

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26.10.2018

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