

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.3195 of 2019

M.Narayanan

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Petitioner

Vs

1.The Superintendent of Police,
Salem Rural,
Salem.

2.The Deputy Superintendent of Police,
Sankari,
Salem.

3.The Inspector of Police,
Sankari Police Station,
Salem District.

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Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondents herein to give police protection to the petitioner for fencing the property at S.No.40/1B3, to an extent of 0.25 cents situated at Sankari Village, Sankari Taluk, Salem District by considering the petitioner's representation dated 01.10.2018.

For Petitioner : M/s.R.S.Maitreya

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

सत्यमेव जयते

O R D E R

This petition has been filed seeking for police protection.

2. The learned counsel for the petitioner would submit that the petitioner is the absolute owner of the property at S.No.40/1B3 to an extent of 0.25 cents situated at Sankari Village, Sankari Taluk, Salem District by way of a registered sale deed dated 11.12.2015 registered as Doc.No.62 of 2016 on the file of the Sub-Registrar at Sankari. The patta for the said property stands in the name of the vendors. Hence, the

petitioner sent a representation to the Tahsildar, Sankari Taluk, Salem District and obtained the patta in the name of the petitioner. Thereafter, the petitioner is planning to fix a fence in the said property in order to avoid illegal encroachments. There are some unscrupulous persons who are not attempting to disturb the petitioner's possession of the property. Hence, the petitioner has given a complaint to the respondents police. Since, no action has been taken, the petitioner has filed the present petition with the aforesaid prayer.

3. The learned Additional Public Prosecutor would submit that the respondent police cannot give police protection in a case of this nature, since, it is a land dispute and purely civil in nature.

4. Heard M/s.R.S.Maitreya, learned Counsel for the petitioner and Mr.Mohammed Riyaz, learned Additional Public Prosecutor for the respondents police.

5. In view of the above, the petitioner has to file an appropriate petition before the Court below and seek remedy. It is also possible for the petitioner to seek for police protection before the Court below, by filing an appropriate petition under Section 151 of Cr.P.C. The petitioner cannot maintain an independent petition before this Court seeking for police protection. The police cannot interfere in this case, unless, a specific direction is given by a competent Civil Court.

6. Accordingly, this Criminal Original Petition is disposed of, by giving liberty to the petitioner to workout her remedy before the Court below in the manner indicated herein above.

Sd/-

Assistant Registrar (J)

//True Copy//

Sub Assistant Registrar

lpp/jas

To

1.The Superintendent of Police,
Salem Rural,
Salem.

2.The Deputy Superintendent of Police,
Sankari,
Salem.

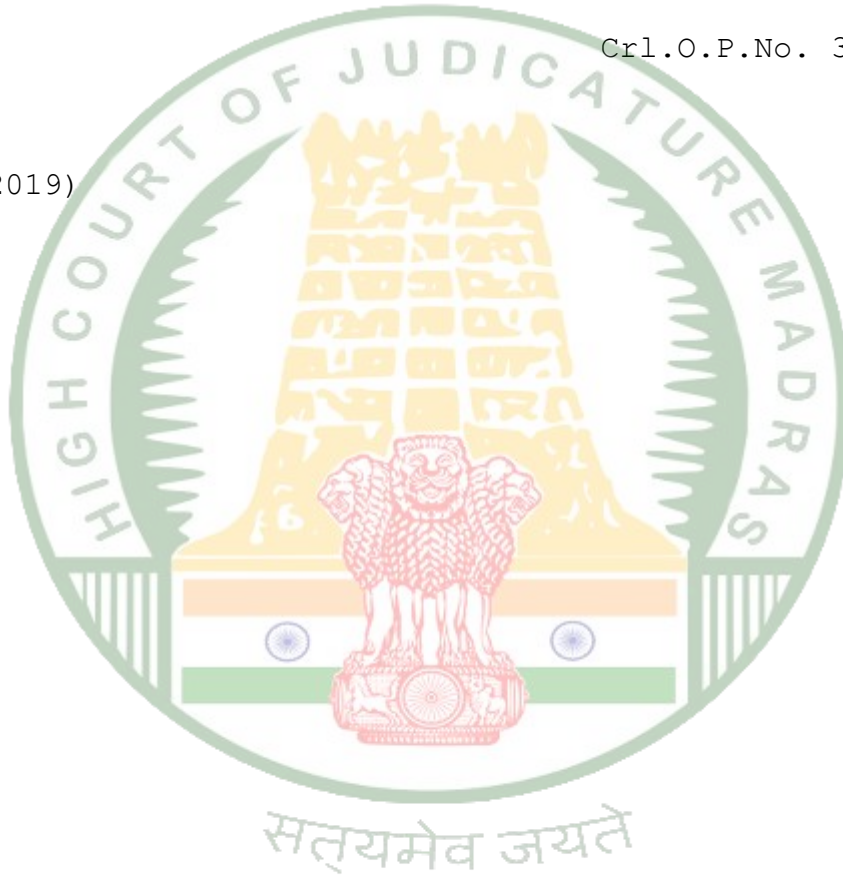
3.The Inspector of Police,
Sankari Police Station,
Salem District.

4.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.R.S.Maitreya, Advocate, S.R.No. 11451

Cr1.O.P.No. 3195 of 2019

GN(27/03/2019)



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