

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.4003 of 2019

Anthoniummal

... Petitioner

Vs

1.State Represented By,
Superintendent of Police,
Salem District,
Salem.

2.The Deputy Superintendent of Police,
Attur Taluk,
Attur,
Salem District.

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

4.V.N.Sudar

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent No.3 to provide necessary police protection for the removal the lock placed on my house main gate and usage of the main gate.

For Petitioner : Mr.K.R.Samratt

For R1 to R3 : Mr.M.Mohamed Riyaz
Addl. Public Prosecutor

For R4 : Mr.K.Sasindran

O R D E R

This Criminal Original Petition has been filed seeking for police protection for the removal the lock placed on my house main gate and usage of the main gate.

2.It is seen that the petitioner already moved a Writ Petition challenging the order passed in Na.Ka.No. 30205/2017/K2, dated 17.03.2018 by the District Collector, Salem for removal of encroachment in W.P.No.8675 of 2018 and this Court by an order dated 11.04.2018 quashed the above proceedings initiated by the District Collector, Salem by observing that the land which is in the possession of the petitioner is classified as Grama Natham (Village site), hence the provisions of the Tamil Nadu Land Encroachment Act, 1905, have no application. Thereafter, when the Tahsildar was ready and willing to open the house of the petitioner, the 4th respondent obstructs the same by claiming ownership of the said property. In this regard, the petitioner had lodged a complaint before the 3rd respondent police on 03.01.2019 and the same is pending.

3.Considering the facts and circumstances of this case and in view of the order of this Court dated 11.04.2018 made in W.P.No.8675 of 2018, the 3rd respondent is directed to conduct an enquiry after giving sufficient opportunity to the petitioner and the 4th respondent on the basis of the complaint dated 03.01.2019 and pass appropriate orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

4.With the above said direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vv2

To

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

2.The Deputy Superintendent of Police,
Attur Taluk,
Attur,
Salem District.

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

4.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.K.R.Samratt, Advocate Sr.No.20652
+1 cc to Mr.K.Sasindran, Advocate Sr.No.19948

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SS (CO)
CSL/23.04.2019



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