

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No. 4794 of 2019

N.A.Ananth

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Denkanikottai Taluk,
Krishnagiri District.

3.The Inspector of Police,
Thally Police Station,
Denkanikottai, Krishnagiri.

4.Nanjamma

5.Yogi

6.Mahesh

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the 3rd respondents to provide police protection to the petitioners land in S.No.200 of Gummalapuram Village, Denkanikottai Taluk, Krishnagiri District.

For Petitioner : Mr.M.Selvam

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

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O R D E R

This petition has been filed seeking for police protection to the petitioners land in S.No.200 of Gummalapuram Village, Denkanikottai Taluk, Krishnagiri District..

2. The learned counsel for the petitioner would submit that the petitioner has become the absolute owner of the house property comprised in S.No. 200 of Gummalapuram Village,

Kelamangalam to an extent of 2 acres out of the larger extent by way of registered K.Kotappa vide sale deed dated 17.08.1994. The Petitioner came to know that the vendor of this land S.K.Kotappa died in the year 2017. The legal heirs/4, 5 and 6 respondents of the said S.K.Kotappa are preventing the petitioner from entering his land. The petitioner has cultivated the land and has been in possession and enjoyment of the same. While so, the respondents 4, 5 and 6 are creating disturbance for the peaceful possession and enjoyment of the petitioner's property and threatening the petitioner with dire consequences to destroy the crops. Hence, the petitioner lodged a complaint to the respondent 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 Mr.M.Selvam, learned Counsel for the petitioner and Mr.Mohammed Riyaz, learned Additional Public Prosecutor for the respondents 1 to 3.

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 ordered, by giving liberty to the petitioner to workout her remedy before the Court below in the manner indicated herein above.

सत्यमेव जयते

Sd/-

Assistant Registrar (CS-III)

//True Copy//

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Sub Assistant Registrar

lpp/vsn

To

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

2.The Deputy Superintendent of Police,
Denkanikottai Taluk,
Krishnagiri District.

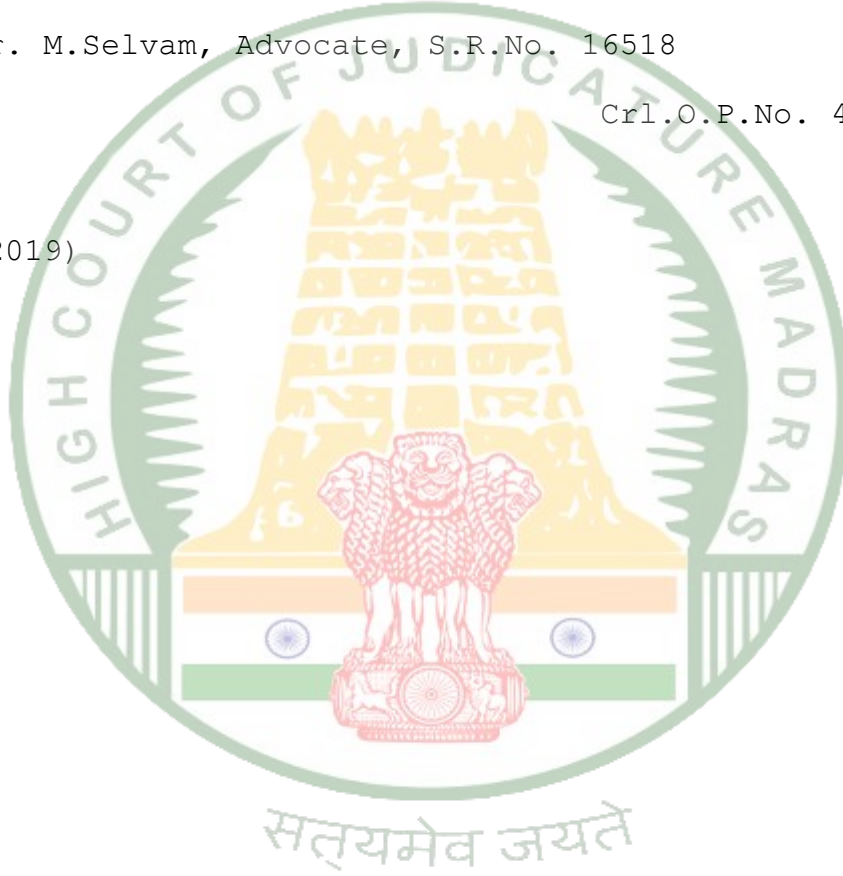
3.The Inspector of Police,
Thally Poice Station,
Denkanikottai, Krishnagiri.

4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr. M.Selvam, Advocate, S.R.No. 16518

Crl.O.P.No. 4794 of 2019

SV(CO)
GN(23/03/2019)



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