

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.02.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No. 4508 of 2019

1. A.Ayyasamy
2. A.Natarajan

.. Petitioner

Vs

The Inspector of Police (L & O),
D-3, Pothanur Police Station,
Pothanur, Kovai.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent to provide police protection to the petitioners based on their representation dated 19.01.2019.

For Petitioners: Mr.M.Selvam

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This petition has been filed seeking for police protection.

2. The learned counsel for the petitioner would submit that the petitioners are the joint owners of the land in Survey No.697/2D, Kuruchchi Village. The petitioners got a partition deed vide Doc.No.8302/2011, dated 15.12.2011 on the file of the Joint Sub-Registrar -I, Coimbatore. From the date of partition, the petitioners have possession and enjoyment of the said land. Therefore, the petitioners decided to lay out the land as housing plots and to get approval from the DTCP. For the said purpose, the petitioners arranged surveyors to measure the land. While so, the adjacent land owner is creating disturbance for the peaceful possession and enjoyment of the petitioners property and threatening the petitioners with dire consequences for measuring the land. Hence, the petitioners 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 petitioners and Mr.Mohammed Riyaz, learned Additional Public Prosecutor for the respondents police.

5. In view of the above, the petitioners have to file an appropriate petition before the Court below and seek remedy. It is also possible for the petitioners to seek for police protection before the Court below, by filing an appropriate petition under Section 151 of Cr.P.C. The petitioners 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 petitioners to workout their remedy before the Court below in the manner indicated herein above.

Sd/--

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

lpp/ssr
To

1.The Inspector of Police (L & O),
D-3, Pothanur Police Station,
Pothanur, Kovai.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Selvam , Advocate SR.No. 15407

A.SK(29/03/2019)

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