

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10622 of 2019

P.Sivalinagam

.. Petitioner

Vs

The State Rep. by,

1.The Superintendent of Police,
Udhamandalam,
The Nilgiris District.

2.The Inspector of Police(L&O)
Puthumanthu Police Station,
Udhamandalam,
The Nilgiris District.

3.Karthick

4.Johi

.. Respondents

Prayer :- Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 1st and 2nd respondents to provide police protection to the petitioner and his family members to enter into his lands and to fix the fencing and boundary stones in his lands in Survey No.A/8/22 at Udhagamandalam Town, by considering the petitioner's representation dated 23.03.2019.

For Petitioner : Mr.M.Vijayaragavan

For Respondents : Mr.C.Raghavan
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the 1st and 2nd respondents police to give police protection for fencing and boundary stones in his lands in Survey No.A/8/22 at Udhagamandalam Town, by considering the petitioner's representation dated 23.03.2019.

2. The learned counsel for the petitioner would submit that the petitioner had an extent of 0.50 cents of land in Survey No.A/8/22, situated at Udhagamandalam Town and used for agricultural purpose. While, the petitioner started to fence the land, one Johi and Karthik are causing disturbance without any right. Hence, the petitioner lodged a complaint to the second respondent police. The second respondent police addressed a letter to the Tahsildar, Udhagamandalam Taluk to inspect the above said land and fix a boundary as per the records. Accordingly, the Tahsildar, Udhagamandalam Taluk had conducted spot inspection and found that there is a land

grabbing to an extent of 667 Sq.mts and submitted the report before the second respondent. After the receipt of the report, the second respondent rescued the encroached land and fixed the boundary stones on 25.09.2018 and handed over to the petitioner. He further submitted that, again the above said Karthik and Johi are disturbing the possession of the petitioner's land and threatening with dire consequences. Hence, 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.Vijayaragavan, learned Counsel for the petitioner and Mr.C.Raghavan, learned Government Advocate (Crl.Side) for the respondents police.

5. Considering the facts and circumstances of the case, 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 his remedy before the Court below in the manner indicated herein above.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police,
Udhamandalam, The Nilgiris District.

2.The Inspector of Police(L&O)
Puthumanthu Police Station,
Udhamandalam, The Nilgiris District.

3.The Public Prosecutor, High Court, Madras.
+lcc to Mr. M.Vijayaragavan, Advocate SR.No. 38477

Crl.O.P.No.10622 of 2019