

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.OP.No.18436 of 2019

A.Saravanan

...Petitioner

Vs.

1. State rep by its,
The Superintendent of Police,
Perambalur District, Perambalur.
2. State rep. by its,
The Deputy Superintendent of Police,
Kunnam Circle, Perambalur District.
3. State rep. by its,
The Inspector of Police,
V.Kalathur Police Station,
Perambalur District.
4. Vaithiyalingam
5. Mani
6. Govindasamy
7. Patchamuthu
8. Periyasamy S/o.Ganesan
9. Periyasamy S/o.Marimuthu

....Respondents

PRAYER: Criminal Original Petition filed under Section 439(2) of Criminal Procedure Code, to direct the 3rd respondent police to provide necessary police protection to survey the petitioner's land in survey No.80 /12B at 0.5.00 ares land, in 80/12D at 0.7.50 ares land, in addition 12.50 ares land, (totally 31 cents) situated at in V.Kalathur Village, Veppanthatai Taluk, Perambalur District.

For Petitioner : Mr.D.Dayalan

For Respondents : Mr.C.Raghavan
Government Advocate for R1 to R3

ORDER

This petition has been filed seeking for police protection for the property belonging to the petitioner.

2. The learned counsel for the petitioner submitted that respondents 4 to 9 did not have any right over the property and infact the patta has been granted in favour of the petitioner in the year 2018 for the property in question. In spite of the same, the counter parties are causing threat and disturbing the possession and enjoyment of the property. Therefore, the complaint was given to the respondent police seeking for police protection. The complaint was not acted upon and the present petition has been filed before this Court seeking for appropriate directions.

3. The learned counsel appearing on behalf of the respondents 4 to 9 submitted that an appeal has already been filed before the RDO against the order of the Tahsildar granting patta in favour of the petitioner. The learned counsel further submitted that a substantive suit has been filed for declaration of title and permanent injunction in O.S.No.197 of 2019 against the petitioner and three others and the same is pending on the file of the District Munsif Court, Perambalur. The learned counsel submitted that, in view of civil dispute pending before the competent court, the police should not be allowed to interfere in the dispute.

4. This Court has carefully considered the submissions made on either side and also the materials available on record.

5. Admittedly in this case, there is a serious dispute with regard to the right, title and interest over the property and respondents 3 to 9 have already initiated proceedings challenging the patta granted in favour of the petitioner. That apart a suit has also been filed for a substantive relief.

6. Under such circumstances, the respondent police will have no role to play and the parties will have to agitate their rights only in the pending proceedings before the civil Court.

7. In the result, the relief as sought for by the petitioner cannot granted by this Court and it is left open to the parties to agitate their rights in the pending proceedings before the civil Court and work out their remedy.

8. This Criminal Original Petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Superintendent of Police,
Perambalur District,
Perambalur.
 2. The Deputy Superintendent of Police,
Kunnam Circle, Perambalur District.
 3. The Inspector of Police,
V.Kalathur Police Station,
Perambalur District.
 4. The Public Prosecutor,
High Court, Madras.
- +1 cc to M/s.D.Dayalan, Advocate, S.R.No.68161
- +1 cc to M/s.S.Mohan, Advocate, S.R.No.67756

CRL.OP.No.18436 of 2019

RSV(CO)
SSM(09/09/2019)

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