

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.19342 of 2019

M.Kalaimani

... Petitioner

vs.

1. The Inspector of Police,
Puthuchathiram Police Station,
Cuddalore District.
 2. The Tahsildar
Bhuvanagiri Taluk
Cuddalore District.
 3. M.Ganesan
 4. M.Rajendran
 5. M.Sankar
 - 6.U.Munusamy
- (Respondents 3 to 6 are impleaded
as per the order in Crl.M.P No.10155 of
2019 in Crl.O.P No.19342 of 2019 dated
25.07.2019.)

.... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the 1st and 2nd respondents to consider the petitioner's representation letter dated 28.11.2018 and prevent the cognizable offence under Section 149 of Cr.P.C and give adequate police protection for survey and measure the property in Survey No.82/3 in Periyapattu Village, Bhuvanagiri Taluk, Cuddalore District.

For Petitioner : Mr.S.Ramajayam

For Respondent : No Appearance

ORDER

This petition has been filed seeking for police protection to conduct a survey and to measure the property by the revenue officials.

2. It is seen from the records that the counter parties filed a suit in O.S No.48 of 2010 for the relief of permanent

injunction against the father of the petitioner and the suit was decreed by judgment and decree dated 30.09.2013. Aggrieved by the same, the father of the petitioner filed an appeal before the Sub Court, Chidambaram and the Sub Court, Chidambaram by judgment and and decree dated 28.01.2015 was pleased to allow the appeal and had set aside the judgment of the trial Court. This was further taken on appeal before this Court by the counter parties in S.A No.435 of 2018. This Court, by an order dated 12.11.2018 was pleased to dismiss the second appeal.

3. The grievance of the petitioner is that inspite of the judgment of the Civil Court having become final, the counter parties are continuing to exert threat and are interfering with the possession and enjoyment of the property. The petitioner wanted to conduct a survey with the help of the revenue authorities to fix the boundary stones and this was resisted by the counter parties. In this regard, the concerned Tahsildar, Bhuvanagiri had also written a letter to the first respondent police to give police protection at the time of conducting the survey. Since it has not been acted upon, the present petition has been filed before this Court.

4. The respondents 3 to 6 have been served notice and their names are also printed in the cause list. However, they are neither present in person nor through their counsel.

5. Taking into consideration the facts and circumstances of the case, there shall be a direction to the first respondent to give police protection to the revenue authorities at the time of conducting the survey and measuring the property in order to fix the boundary stones. If the counter parties resist the same, appropriate action shall be taken against them in accordance with law.

6. This Criminal Original Petition is disposed of with the above direction.

Sd/-

Assistant Registrar(CS)

//True copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Puthuchathiram Police Station,
Cuddalore District.

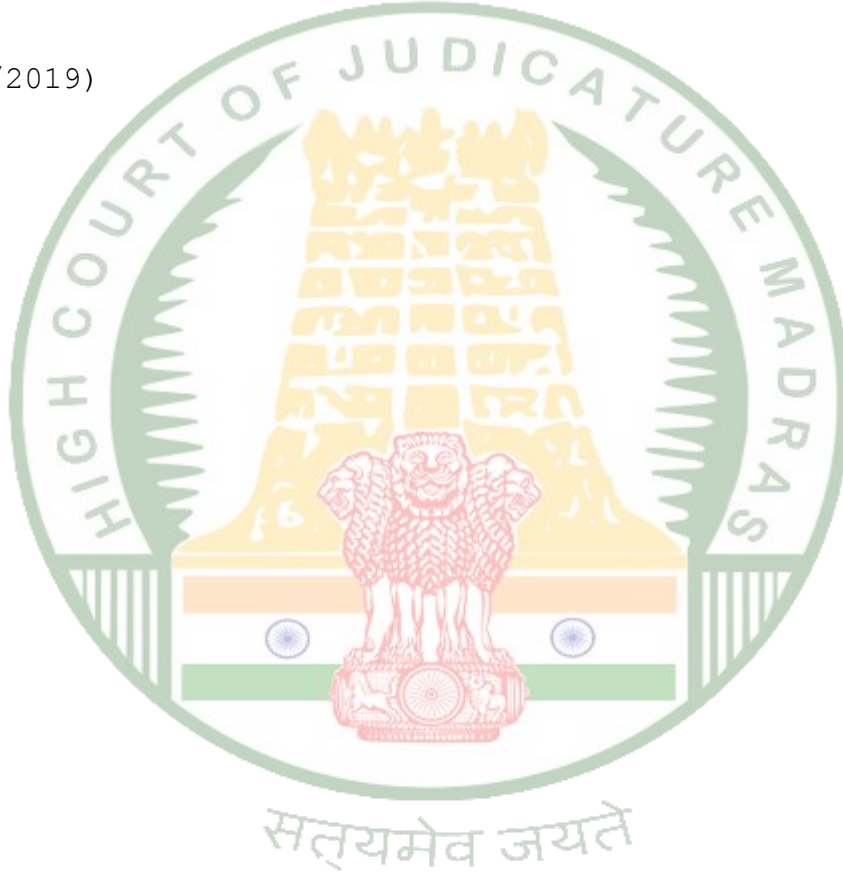
2. The Tahsildar
Bhuvanagiri Taluk
Cuddalore District.

3. The Public Prosecutor
High Court of Madras.

+lcc to Mr.S.Ramajayam, Advocate SR.No.68851

Cr1.O.P No.19342 of 2019

BS (CO)
GMY (22/08/2019)



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