

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Cr1.O.P.No.23642 of 2019

S.Kamal

...Petitioner

Vs

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

2.The State Rep. by,
Inspector of Police,
Orathur Police Station,
Orathur, Chidambaram-T.K,
Cuddalore-District.

3.R.Selvarasu

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to pass an order directing to the 2nd respondent Inspector of Police to consider the representation dated 31.07.2019 and provide police protection for the purpose of putting up fencing in the petitioners land.

For Petitioner : Mr.S.Jaganathan

For R1& R2 : Mr.C.Iyyapparaj
Additional Public Prosecutor

For R3 : Mr.T.Sivagnana Sambandam

O R D E R

The grievance of the petitioner is that when he attempted to fence his property the title covered under the petitioner's sale deed registered as document No.1633 of 2015 dated 10.09.2015 in (patta No 953), the third respondent herein is creating obstructions. The objection raised by the learned counsel for the third respondent is that the petitioner herein under the guise of fencing his property is attempting to encroach into the third respondent's property.

2 In my view, if the petitioner as well as the third

respondent are permitted to be present in the subject property while a surveyor measures and earmarks the boundaries on the petitioner's property, identification of all the properties of the respective parties can be clarified. In the light of such observation, the petitioner is granted liberty to approach the jurisdictional Government surveyor with a representation, seeking to earmark the boundaries of the properties comprised in sale deed No.1633 of 2015 and on receipt of such representation, the concerned surveyor shall earmark the petitioner's properties and boundaries, in the presence of the third respondent herein. After earmarking the same the petitioner shall be at liberty to putforth his fencing in his property and if necessary seek for police assistance. In case, any such representation is made to the second respondent police seeking assistance at the time of surveying the properties as well as fencing the same, the second respondent shall consider the same expeditiously, preferably within a weeks time, on receipt of such representation.

4 This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

vsn/sbn

To

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

2.The Inspector of Police,
Orathur Police Station,
Orathur, Chidambaram-T.K,
Cuddalore-District.

3. The Public Prosecutor,
High Court of Madras.

4.The Tahsildar,
Chidambaram (For Information)

Crl.O.P.No.23642 of 2019

NMI (CO)
GN(29/11/2019)