

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2019

CORAM:

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

CRL.O.P.No.32230 of 2019

Ramesh

... Petitioner

Vs.

1. The Inspector of Police,
Kolathur Police Station,
Kolathur, Salem District.

2. Subramani
3. Soundarajan
4. Savithri

... Respondents

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the first respondent to provide a police protection to survey the petitioner's land in S.No.431/10B measuring 0.7.00 Hectare and S.No.431/7B measuring 0.60.50 Hectare at Lakkampatti Village, Mettur Taluk, Salem District as per petitioner complaint dated 15.11.2019.

For Petitioner : Mr.V.Elangovan

For Respondents: Mr.M.Mohamed Riyaz, (for R1)
Additional Public Prosecutor

ORDER

This petition has been filed seeking a direction, directing the first respondent to provide a police protection to survey the petitioner's land in S.No.431/10B measuring 0.7.00 Hectare and S.No.431/7B measuring 0.60.50 Hectare at Lakkampatti Village, Mettur Taluk, Salem District as per petitioner complaint dated 15.11.2019.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the first respondent.

3. The learned counsel for the petitioner has submitted that the petitioner is owner of the land comprised in Survey.No.431/10B admeasuring 0.7.00 hectares at Mettur Taluk, Salem District. He further submitted that he already lodged a complaint before the first respondent on 15.11.2019 seeking police protection to measure the aforesaid property, but, the

police has not provided police protection and hence, he could not measure the property and hence, he requests to direct the first respondent to provide police protection for measuring the property.

4. Per Contra, the learned Additional Public Prosecutor has submitted that the petitioner himself has admitted in his petition, respondents 2 to 4 have illegally occupied the petitioner's property and in such a case, he has to file a suit for recovery of possession and only thereafter if necessary, he can get police protection.

5. In Paragraph No.4 of the petition, the petitioner has admitted that the respondents 2 to 4 have illegally occupied his land and they are in the illegal possession and in such a case, the petitioner has to file a suit for recovery of possession and only thereafter, if necessary, he can get police protection before the Civil Court itself.

6. With the aforesaid observation, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
Kolathur Police Station,
Kolathur, Salem District.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Elangovan, Advocate Sr.100479

CRL.O.P.No.32230 of 2019

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srg 10/02/2020