



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2019

CORAM

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

Crl.O.P. (MD) No.4813 of 2019

WEB COPY

B.Dhayanithi

... Petitioner

Vs.

1. The Superintendent of Police,
Thanjavur, Thanjavur District.
2. The Deputy Superintendent of Police,
Thiruvaiyaru Taluk, Thanjavur District.
3. The Inspector of Police,
Nadukaveri Police Station, Thanjavur District.
4. The Sub Inspector of Police,
Nadukaveri Police Station, Thanjavur District.

- 5.Vennila
- 6.Arthi
- 7.Sathish
- 8.Arunkrishnamoorthy
- 9.Karthi
- 10.Jeyapaul
- 11.Ramesh
- 12.Senthilkumar

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondents 1 and 4 to give adequate police protection to the lives and limbs of this petitioner and his wife during his visit to the lands situated in S.Nos.84, 57/2B, 57/2C1, 83/1C, 83/3C, 83/4B in Palli Agraharam Village, Manakarambai Panchyat, Thanjavur Taluk based on the complaint given by the petitioner dated 16.03.2019.

For Petitioner : Mr.S.Devasena

For R-1 to R4 : Mr.V.Neelakandan

Additional Public Prosecutor

ORDER

The petitioner complains that his life, limb, liberty and right to property are under threat from the respondents 5 to 12.

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



3. The learned counsel appearing for the petitioner submitted that the private respondents herein are the adjacent owners of a certain piece of property belonging to the petitioner which has since been developed into an approved layout. The petitioner complains that the approach road to the petitioner's layout is being continuously destroyed by the private respondents. He added that earlier when such obstructions came about, the petitioner has approached the police and based on the report given by the third respondent, Revenue Divisional Officer, Tanjore has initiated a proceeding under Section 145 Cr.P.C., vide its order dated 01.03.2019 and has found possession of the said property with the petitioner. Notwithstanding the same, the petitioner continues to face obstructions to his peaceful enjoyment of his property.

4. The learned Additional Public Prosecutor submitted that the petitioner has preferred a complaint against the private respondents, based on which, a case in Crime No.29 of 2019 was registered.

5. Inasmuch as the police has initiated an action and the same has to be investigated, this Court for the present does not want to interfere with the same. So far as the petitioner's rights to life, limb, liberty and property are concerned, he is now directed to prefer a fresh representation / complaint to the third respondent, if his threat perception continues, and on such fresh complaint, the third respondent is directed to cause such necessary enquiry on the complaint filed by the petitioner and take such appropriate decision as may be necessary to protect the life, liberty and right to the property of the petitioner.

6. With the above direction, this Criminal Original Petition is disposed of.

7. It is made clear that this Court does not order granting of police protection (24 x 7) and the third respondent is left to decide on the basis of the objective assessment of the threat perception of the petitioner from time to time.

sd/
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

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

<https://hcservices.ecourts.gov.in/hcservices/>

2. The Deputy Superintendent of Police,
Thiruvaiyaru Taluk, Thanjavur District.



3. The Inspector of Police,
Nadukaveri Police Station, Thanjavur District.

4. The Sub Inspector of Police,
Nadukaveri Police Station, Thanjavur District.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.DEVASENA, Advocate (SR-58205[F] dated 01/04/2019)

CrI.O.P. (MD) No.4813 of 2019
01.04.2019

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