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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Crl.O.P. (MD) No.5580 of 2018

Mohammed Faizal

... Petitioner

/Vs./

1.The Superintendant of Police,
Sivagangai District, Sivagangai

2.The Inspector of Police,
S.S. Kottai Police Station,
Sivagangai District.

3.Arumugam

4.Chandran

5.Karuppaiah

... Respondents

Prayer: Petition - filed under Section 482 of the Criminal Procedure Code, to direct the respondents 1 and 2 to give Police protection for the petitioner and his family members' life and limb based on the petitioner's complaint dated 12.02.2018 for surveying.

For Petitioner : Mr.S.A.Ajmalkhan

For R-1 & R-2 : Mr.V.Neelkandan

Additional Public Prosecutor

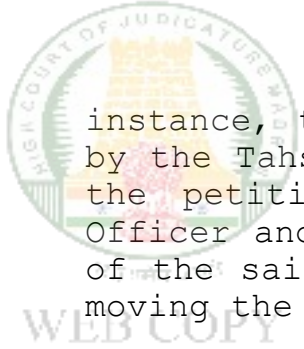
For R-3 to R-5 : Mr.T.Villavankothai

ORDER

The present petition is filed seeking protection to the petitioner's right to life, liberty and also obstruction from surveying a piece of property by the Head Surveyor of the Taluk.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 and 2 and the learned counsel appearing for the respondents 3 to 5.

3.The learned counsel appearing for the respondents 3 to 5 on instructions submitted that a piece of property was assigned jointly to eighteen persons and one of the allottees, who is not before the Court had executed a power of attorney in favour of the third respondent and on the strength of that power of attorney, he is holding, the third respondent had transferred patta in his name had sold the property to the petitioner. Now the transfer of patta, in the name of power of attorney itself is in dispute. He added that the petitioner has moved the Revenue officials and at the first



instance, the patta granted to the power of attorney was cancelled by the Tahsildar and against the order passed by him on 23.09.2016, the petitioner has preferred an appeal to the District Revenue Officer and the same has been allowed but since there was no notice of the said Appeal, was served on these respondents, they are again moving the official to hear them on the matter.

4. Suffice to say for the present that the prayer sought for in this petition has got two particulars.

- a) protection to petitioner 's life, limb and liberty.
- b) protection for surveying the property suit in Survey No.323/8.

5. So far as the first portion of the prayer is concerned, the learned counsel appearing for the respondents 3 to 5 submitted that none of these respondents posed any threat to the petitioners life, liberty and the same is recorded. If however there is a threat to the petitioner's life, limb and property, he has to approach the second respondent with a fresh representation / complaint, receiving which, the second respondent shall cause necessary enquiry and take necessary decision to protect the life, limb and liberty of the petitioner.

6. As to the second portion viz., surveying the property in Survey No.323/8 is concerned, a mere surveying a property by an official surveyor is not going to decide the title to the property or right of any parties to obtain patta. A survey of the property at the best may enable identifying the property on land, and also may be useful for determining the extent of property covered within the boundaries. Therefore, the survey of the property itself should not cause concern to the respondents 3 to 5. Therefore, the petitioner may move the Taluk Surveyor for surveying the property, who may give notice to all the parties before surveying and if the Taluk Surveyor faces any obstruction from any quarters in discharging his official duty, then, he may approach the second respondent to give him adequate protection, in which, eventuality, the second respondent shall take necessary decision to accord the protection.

7. In view of the above, the Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar (Crl. Side)

/TRUE COPY/

Sub Assistant Registrar (CS)

To

<https://hcservices.ecourts.gov.in/hcservices/>
1. The Superintendent of Police,
Sivagangai District, Sivagangai



2.The Inspector of Police,
S.S. Kottai Police Station,
Sivagangai District.

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

+1 CC to M/s.S.A.AJMAL KHAN, Advocate (SR-56154[F] dated
25/03/2019)

Cr1.O.P. (MD) No.5580 of 2018

KK:03/05/2019/3P/5C