



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2019

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.21522 of 2016

Chandrabose

.. Petitioner

Vs.

1.The Inspector of Police,
Puthukkadai Police Station,
Kanyakumari District.

2.Rajarathinam.

.. Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to issue a suitable direction, directing the 1st respondent police to give adequate police protection to the petitioner, his widow sister, mother's life and limb and also suitable protection to put up compound wall within the petitioner's boundary in Survey No.494/1A2A of Kunnathoor Village, Vilavancode Taluk, Kanyakumari District.

For Petitioner : Mr.Veerakathiravan,
Senior counsel
for Mr.M.R.Sreenivasan

For Respondents : Mr.R.Anandharaj for R1
Additional Public Prosecutor

Mr.SC.Herold Singh for R2

ORDER

This criminal original petition has been filed by one Chandrabose, seeking police protection to life and limb and also to construct a compound wall segregating the property from his elder brother.

2.According to the petitioner, both he and his brother have purchased 50 cents of land and partitioned the same equally among themselves, i.e., 25 cents each. Both have constructed houses in their respective land. Now, the relationship between them has been strained. Therefore, the petitioner / younger brother wants to construct compound wall segregating the property, for which the elder brother opposed. Therefore, the petitioner seeks police protection to construct the compound wall in S.No.494/1A2A of Kunnathoor Villae, Vilavancode Taluk, Kanyakumari District.



3.The learned counsel for the respondent has objected that the compound wall can be constructed only after identification of each property by measuring it with the help of Surveyor.

4.According to the learned senior counsel who is representing the petitioner, the measurements have already been made by a Surveyor and the properties have also been identified. When the petitioner was about to construct the compound wall, his elder brother opposed it. Therefore, he is constrained to approach this Court with this direction petition.

5.Be that as it may, the petitioner shall pay necessary fee to the Surveyor to measure and identify the boundaries of the properties of the petitioner as well as the respondent and the survey shall be made in the presence of both the parties and after identification and fixation of the boundary, the petitioner shall construct the compound wall in the boundary. In case, the second respondent is objecting to the construction of compound wall even after the measurement and identification, the first respondent police shall provide necessary protection as well as register a case as against the persons, who cause any hindrance to anybody.

6.With the above observation and direction, this petition is disposed of.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Inspector of Police,
Puthukkadai Police Station,
Kanyakumari District.

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

+1 CC to M/s.M.R.SREENIVASAN, Advocate (SR-64288[F] dated 30/04/2019

Cr1.O.P.(MD)No.21522 of 2016
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