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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2019

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THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.3613 of 2016

Chandran ... Petitioner

Vs.

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

2.The Inspector of Police,
Sankarankovil Taluk Police Station,
Tirunelveli District.

3.V.Murugaiah ... Respondents

Prayer: Petition filed under Section 482 of the Code of Criminal Procedure to direct the second respondent to provide adequate police protection to survey the petitioner's land according to the revenue records on the basis of the petitioner's representation dated 20.01.2016.

For Petitioner : Mr.S.Poorna Chandran

For Respondents : Mr.A.Robinson,
Government Advocate (Crl. Side)
for R.1 & R.2
Ms.P.Kalaiyarasi Bharathi for R.3

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ORDER

This Criminal Original Petition has been filed by the petitioner seeking police protection to survey his lands in S.No.607/37, situated at Karuppasamy Temple Street, Nagaram Village, as per the revenue records, by considering his representation dated 20.01.2016.

2. The case of the petitioner is that the subject property belongs to him and whenever he makes an attempt to survey his lands, the third respondent objected the same and also criminally intimidated him. According to the petitioner, neither a civil suit nor a rival claim is pending, as such, he is before this Court seeking protection for measuring his land.

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3. The learned Counsel for the third respondent would vehemently submit that they are not objecting to the measurement, however, their apprehension is that the boundary should not be altered. The learned Counsel further submitted that they are not having any objections for granting police protection, provided a notice should be given to the third respondent so that he will also be present at the time of taking the measurement.

4. The learned Government Advocate (Crl. Side), would submit that if any direction is provided, they are prepared to provide police protection.

5. Heard the learned Counsel appearing for the respective parties and perused the documents placed on record.

6. In view of the specific stand taken by the third respondent that they are not having any objections for taking measurement, this Court is of the view that there is no requirement for providing any police protection. However, since the matter is lying before this Court from the year 2016 onwards and when there is a specific plea from the petitioner that he was not permitted to mark the boundaries of his land as per the revenue records, this Court deems it fit to issue a direction to the first respondent police to provide protection, when the revenue authorities are measuring the petitioner's land.

7. The revenue authorities, at the time of making measurements, shall issue a notice to the third respondent, so that he shall be present at the time of making the measurement. The date of measurement shall be intimidated to the respondent police in advance, so that they shall also provide necessary protection.

8. With the above directions, this criminal original petition stands disposed of.

Sd/- Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar

To

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

2.The Inspector of Police,
Sankarankovil Taluk Police Station,
Tirunelveli District.

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

+1 CC to M/s.S.POORNACHANDRAN, Advocate SR-55011

+1 CC to M/s.P.KALAIYARASI BHARATHI, Advocate SR-55474

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