

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Nineteenth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP(MD) No.4067 of 2016

M.BALU

... PETITIONER

Vs

1.THE SUPERINTENDENT OF POLICE,
OFFICE OF THE SUPERINTENDENT OF POLICE,
DINDIGUL DISTRICT.

2 THE INSPECTOR OF POLICE,
ERIODU POLICE STATION,
DINDIGUL DISTRICT.

3 THE SUB INSPECTOR OF POLICE,
KUJILIYAMPARAI POLICE STATION,
DINDIGUL DISTRICT.

4 V.KANTHASAMY GOUNDAR

5 M.JYOTHIBASU

6 M.SURESH

7 A.GANDHI

... RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to direct the respondent Nos.1 to 3 to provide adequate police protection to petitioner and his family members to construct bathroom in the land in Survey No.383/1B3 in Kovilpatti, Palayam Village, Dindigul District.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.S.MALAIKANI, Advocate for the petitioner and of MR.R.ANANDHARAJ, Additional Public Prosecutor for R1 to R3 and Mr.S.BALAJI, Advocate for R4 to R7, the Court made the following order:-

This criminal original petition has been filed by the petitioner seeking police protection to himself as well as to his family members for constructing a Bathroom in his land in Survey No.383/1B3 in Kovilpatti, Palayam Village, Dindigul District.

2. According to the petitioner, the subject property belongs to him and he has a valid patta in his name. When he attempted to construct a Bathroom in the subject property, the private respondents herein objected the same and hence, he made a complaint before the respondent police. Alleging inaction on their part, he is before this Court. The petitioner has also relied upon an ex-parte decree dated 16.10.2014 passed in O.S.No.53 of 2013 in support of his case.

3. The learned Counsel for the respondents 4 to 7, on the other hand, submitted that the subject property is a Government Poramboke. Even in the plaint in O.S.No.53 of 2013 itself, the property has been mentioned as cart-track, as such, the case of the petitioner that the subject property belongs to him is not probable.

4. Perusal of record shows that the suit property is with regard to S.No.381/20, whereas, the subject property of the present petition, on which the petitioner is said to have attempted for construction, is with regard to S.No.383/1B3, ie., the are not one and the same. Moreover, the petitioner is having a valid patta in his name in respect of the subject property in the present petition.

5. At this juncture, the learned Counsel for the private respondents sought time to verify the place of construction, ie., as to whether in the suit property or in the subject property of the present petition.

6. Hence, post the matter on **08.04.2019**.

sd/-

19/03/2019

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE SUPERINTENDENT OF POLICE,
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DINDIGUL DISTRICT.

2 THE INSPECTOR OF POLICE,
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DINDIGUL DISTRICT.

3 THE SUB INSPECTOR OF POLICE,
KUJILIYAMPARAI POLICE STATION,
DINDIGUL DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

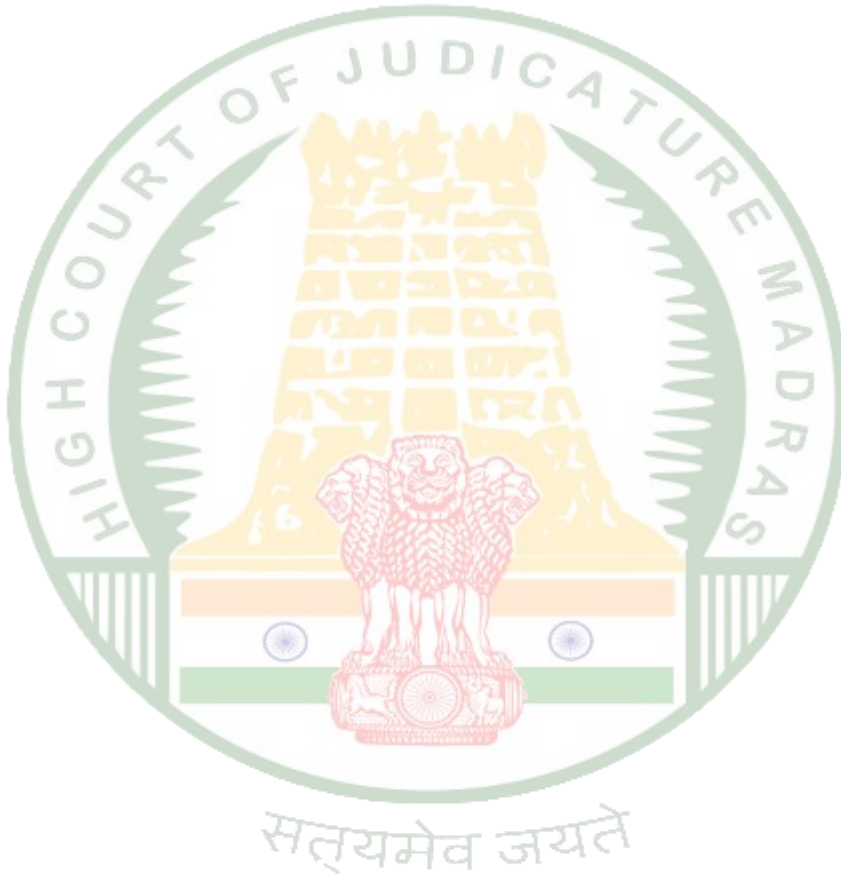
IN

CRL OP (MD) No.4067 of 2016

Date :19/03/2019

gk

AE/MMS/SAR-IV/26.03.2019/3P/5C



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