



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 22.10.2019

CORAM :

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD)No.9092 of 2019

C.Velayutham

... Petitioner

Vs.

1.The Superintendent of Police,
Pudukkottai District.

2.The Inspector of Police,
Keeramangalam Police Station,
Pudukkottai District.

3.Mayilvaganam

4.Durairaj

5.Manikandan

6.Madhanraj

... Respondents

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to direct the respondents 1 and 2 to give adequate police protection for the construction of the house of the petitioner in S.F.No.250/15A2 of Keeramangalam North Village, Alangudi Taluk, Pudukkottai District.

For Petitioner : Mr.K.Baalasundharam

For R1 & R2 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

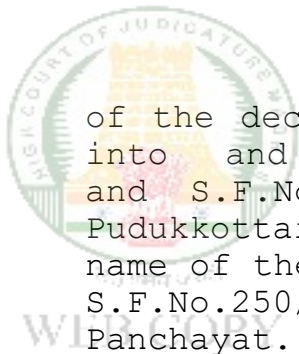
For R3 & R4 : No appearance

For R5 and R6 : Mr.N.Balakrishnan

O R D E R

This petition has been filed to direct the respondents 1 and 2 to give adequate police protection for the construction of the house of the petitioner in S.F.No.250/15A2 of Keeramangalam North Village, Alangudi Taluk, Pudukkottai District.

2. The learned counsel for the petitioner would submit that the petitioner's father filed a suit as against the respondents 3 and 4 in O.S.No.89 of 1989 before the learned District Munsif Court, Aranthangi for declaration and for injunction and the said suit was decreed in favour of the petitioner's father in respect of the property in S.F.No.250/15 to the extent of 9 cents. On the strength



of the decree in his favour the aforesaid property was sub-divided into S.F.No.250/15 A1, S.F.No.250/15 A2 and S.F.No.250/15 B1 and S.F.No.250/15 B2 situated at Keeramangalam North Village, Pudukkottai District and patta was granted in Patta No.1002 in the name of the petitioner. Thereafter, he wants to construct a house in S.F.No.250/15 A2 and he also got approval from Keeramangalam Town Panchayat. Thereafter, he started a construction work in the aforesaid property. At that time, the respondents 3 and 4 along with respondents 5 and 6 obstructed the construction work of house in his property. Hence, he lodged a complaint before the second respondent on 24.08.2018 and 08.02.2019. Since no action was taken on his complaint, he sent a representation to the first respondent on 19.06.2019 seeking adequate police protection for the construction of house.

3. The learned counsel for the respondents 5 and 6 would submit that the petitioner's father obtained decree as against the respondents 3 and 4. The respondents 5 and 6 are completely different persons. He further submitted that even according to the petitioner, the suit decree obtained in favour of the petitioner's father insofar as 9 cents comprised in S.F.No.250/15. Whereas, the patta was issued in his name for more than 16 cents. Therefore, the petitioner with an intention to take the portion of the respondents 5 and 6 and tried to construct the house. Therefore, they objected the construction work in the aforesaid property.

4. The learned Government Advocate (Crl.Side) appearing for the respondents 1 and 2 would submit that on the complaint lodged by the petitioner dated 19.06.2019, the respondent police conducted enquiry and closed all the issues are civil in nature.

5. Considering the above facts and circumstances of the case, the parties are directed to approach the concerned civil court for appropriate relief in the manner known to law.

6. With the above direction, this Criminal Original Petitioner is dismissed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Superintendent of Police,
Pudukkottai District.

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



2.The Inspector of Police,
Keeramangalam Police Station,
Pudukkottai District.

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

+1 CC to Mr.N.BALAKRISHNAN, Advocate (SR-93939[F] dated
23/10/2019)

+1 CC to Mr.K. BAALASUNDHARAM, Advocate (SR-93973[F] dated
23/10/2019)

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22.10.2019

DSS

MK (18.11.2019) 3P 6C