



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.09.2019**

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P. (MD)No.12475 of 2019

S.Kadhar Mohideen

...Petitioner

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
Mathichiyam Police Station,
Madurai.

3.Mumtaj

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the Respondents 1 & 2 to give adequate police protection for the petitioner's property, for put up Asbestos Sheet in his thatched shed situated at T.S.No.182, Block No.78, Ward No.35 at Mathichiyam Village, North Taluk, Madurai District based on his complaint dated 07.08.2019 and 13.08.2019.

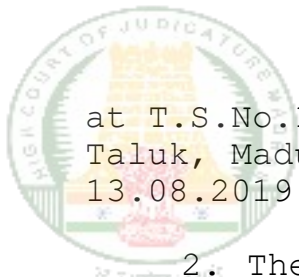
For Petitioner : Mr.G.Padmanaban

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

For R3 : Mumtaj
Party in person

O R D E R

This petition has been filed seeking a direction to the first and second respondents to provide police protection to the petitioner for putting Asbestos Sheet in his thatched shed situated



at T.S.No.182, Block No.78, Ward No.35 at Mathichiyam Village, North Taluk, Madurai District based on his complaints dated 07.08.2019 and 13.08.2019.

2. The learned counsel for the petitioner would submit that he is residing at 10/4, Sevalayam Road, Shenoy Nagar, Madurai. The total extent of the property is 1.45 cents. This is an ancestral property. The third respondent is none other than own sister of the petitioner herein. The petitioner wants to put up Asbestos Sheet in his thatched house. But, the third respondent is objecting the same and also do not allow the petitioner to continue the work. Therefore, he lodged a complaint to the official respondents. He further submitted that he has already some dispute with regard to the said property. He obtained joint patta with regard to the said property, as against which, the third respondent initiated proceedings before the Revenue Divisional Officer and the same is pending.

3. The third respondent appeared in person submitted that she has been cheated by the petitioner by not giving even any single share from the ancestors. Further, the petitioner is no way connected with the said property. He created fabricated patta in his favour and the same has now been under numbered in Na.Ka.No.1810/2018 before the Revenue Divisional Officer and the same is pending. In fact, summon was also issued to the petitioner to appear before the Revenue Divisional Officer.

4. The learned Government Advocate (Crl.side) appearing for the first and second respondents submitted that the entire issue is civil in nature and the first and second respondents have no role to play in this issue. The parties may approach the appropriate civil Court for remedy.

5. Heard the learned counsel for the petitioner, the learned Government Advocate (Crl.side) appearing for the respondents 1 and 2 and the third respondent, who appeared party in person.

6. Admittedly, there is a dispute between the petitioner and the third respondent in respect of the house situated at T.S.No.182, Block No.78, Ward No.35 at Mathichiyam Village, North Taluk, Madurai District. It is also seen that he obtained joint patta in this regard and the same was numbered as Na.Ka.No.1810/2018 before the Revenue Divisional Officer and it is pending for enquiry. Therefore, the entire proceedings is civil in nature. As such, the petitioner cannot be provided any police protection on the complaint lodged by him. However, the petitioner is at liberty to approach the Civil Court for appropriate remedy in the manner known to law.



7. With the above directions, this Criminal Original Petition stands dismissed.

Sd/-

Assistant Registrar (CS-III)

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// True Copy //

Sub Assistant Registrar (CS)

To

- 1.The Commissioner of Police,
Madurai City,
Madurai.
- 2.The Inspector of Police,
Mathichiyam Police Station,
Madurai.
- 3.The Additional Public Prosecutor
Madurai Bench of Madras High Court.

CrI.O.P. (MD) No.12475 of 2019
23.09.2019

vsd

CS (23.10.2019) 3P 4C