



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2019

CORAM:

WEB COPY

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

Crl.O.P.(MD)No.12678 of 2019

G.Pounraj

... Petitioner

Vs

1. The Superintendent of Police
Theni District,
Theni.

2. The Sub Inspector of Police,
Odaipatti Police Station,
Theni District.

3. Petchiyammal

4. Panjangam

5. Srikanth @ Periyasamy

6. Chinnaiyan

7. Raman

8. Lakshmanan

... Respondents

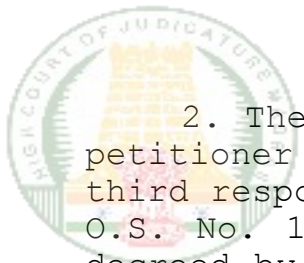
Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the first and second respondents to give adequate police protection to the life and limb of the petitioner and his family and to his property in S.No.243/1 and 243/2 situated at Seepalakottai Village, Uthamapalayam Taluk, Theni District from the third to eighth respondents.

For Petitioner : Mr.P.R.Prithiviraj

For Respondents : Mr.K.Suyambulinga Bharathi
No.1 and 2 Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking a direction to to direct the first and second respondents to give adequate police protection to the life and limb of the petitioner and his family and to his property in S.No.243/1 and 243/2 situated at Seepalakottai Village, Uthamapalayam Taluk, Theni District from the third to eighth respondents.



2. The learned counsel for the petitioner would submit that the petitioner has filed a suit for permanent injunction as against the third respondent before the District Munsif Court, Uthamapalayam in O.S. No. 105 of 2013 for the very same property and the same was decreed by the judgement and decree dated 21.11.2014 and as against the judgement and decree the third respondent preferred an appeal before the Sub Court, Uthamapalayam, in A.S.No.15 of 2019 and the same was also dismissed on 29.01.2018. Thereafter the petitioner is in possession and enjoyment of the said property. While that being so, the respondents 3 to 8 are trying to encroach the property and the petitioner has sought for a police protection in WP(MD) No. 21476 of 2018, and this Court by the order dated 12.10.2018 directed the second respondent to provide police protection to the Tahsildhar and Surveyor of Uthamapalayam to survey and lay boundary stone in the petitioner's property, thereby the petitioner surveyed his property through surveyor and laid boundary stones in his property. Even thereafter the respondents 3 to 8 are trying to damage the boundary stones that is situated in the petitioner's land. He would further submit that the petitioner has lodged complaint against the respondents 3 to 8 before the second respondent and the same was pending in crime No.124 of 2019. Now the petitioner has come forward with this petition for police protection.

3. It is seen that even now the respondents 3 to 8 are disturbing the possession and enjoyment of the property and threatening with dire consequences. On 22.08.2019 the petitioner has lodged a complaint seeking adequate police protection and on receipt of same the second respondent sent communication to the Revenue Divisional Officer to verify the present situation over the property. Further the second respondent is directed to conduct enquiry with the respondents 3 to 8 after issuing notice and if required the matter may be referred before the Revenue Divisional Officer under Section 107 Cr.P.C, if necessary.

4. With the above observation, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar(CS)



To

1. The Superintendent of Police,
Theni District,
Theni.
2. The Sub Inspector of Police.
Odaipatti Police Station, Theni District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD) No.12678 of 2019

12.09.2019

CS (24.09.2019) 3P 4C