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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.5363 of 2020

Ramasamy,
S/o.Sen Reddy,
Ellakuttur,
Chithoor Bit-1 Village,
Chithoor Post,
Edapadi Taluk,
Salem District.

.. Petitioner

Vs.

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

2.The Inspector of Police,
Poolampatti Police Station,
Salem District.

3.S.Raju @ Gengi Reddy,
S/o.Sen Reddy.

4.S.Ramanan,
S/o.Sen Reddy.

5.S.Chinnannan,
S/o.Sen Reddy.

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 1st and 2nd respondents to consider the petitioner's representation dated 20.02.2020 and provide police protection to put up the fencing in the petitioner's land situated in S.F.No.740/4, at Chithoor Bit-1 Village, Edapadi Taluk, Salem District.

For Petitioner : Mr.M.P.Rajavelayutham

For R1 & R2 : Mr.M.Mohamed Riyaz
Addl. Public Prosecutor



O R D E R

This petition has been filed to direct the 1st and 2nd respondents to consider the petitioner's representation dated 20.02.2020 and provide police protection to put up the fencing in the petitioner's land situated in S.F.No.740/4, at Chithoor Bit-1 Village, Edapadi Taluk, Salem District.

2. It is seen from records that earlier, the petitioner had sent a representation dated 06.05.2016 to the Revenue Divisional Officer, Sankakiri, Tahsildar, Edapadi, along with other Revenue Authorities, requesting them to rectify the mistake in measuring the subject property that had crept in during UDR scheme. The Revenue Divisional Officer, Sankakiri, vide proceedings dated 05.07.2018 in Na.Ka.2247/2015(C), directed to effect sub-division of the subject property based on the sale deed of the petitioner. Since the same was not done, the petitioner filed W.P.No.13372 of 2019 to implement the order of the RDO, Sankakiri, dated 05.07.2018 in Na.Ka.2247/2015(C) and effect the sub-division of his property as per his registered sale deed. This Court, by order dated 13.01.2020, directed to provide police protection, conduct the entire proceedings and the same shall be videographed at the cost to be borne in advance by the petitioner. Accordingly, on 19.02.2020, Tahsildar, Edapadi, with the help of the Inspector of Police, Poolampatti, conducted the survey and put up boundary stone.

3. The learned counsel for the petitioner would submit that on 20.02.2020, the respondents 3 to 5 have trespassed into the land of the petitioner, removed the boundary stone, which was put by the Tahsildar, Edapadi; when the petitioner tried to prevent their illegal action, they threatened him with dire consequences and therefore, the petitioner lodged a complaint to the first and second respondents seeking for police protection and also sent a representation dated 20.02.2020 through online. Since the same was not considered, this petition has been filed seeking for appropriate direction.

4. The learned Additional Public Prosecutor would submit that the respondent police cannot give police protection in a case of this nature.

5. Heard Mr.M.P.Rajavelayutham, learned Counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the first and second respondents.

6. It is possible for the petitioner to seek for police protection before the Court below, by filing an appropriate



petition under Section 151 of Cr.P.C. The petitioner cannot maintain an independent petition before this Court seeking for police protection. The police cannot interfere in this case, unless, a specific direction is given by a competent Civil Court.

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7. In view of the above, this Criminal Original Petition is disposed of, by giving liberty to the petitioner to workout his remedy before the Court below in the manner indicated herein above.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

kmm

To

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

2.The Inspector of Police,
Poolampatti Police Station,
Salem District.

3.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.P. Rajavelayutham, Advocate sr 20318.

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CA(CO)
SP(14/07/2020)