

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 03.09.2020
CORAM:
THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No.13559 of 2020

K.Raman age about 55 years
S/o.Kuzhanthai Gownder,
No.3/77, Vallipattu
Pin 635 752
Vaniyambadi Taluk,
Tiruppattur District.
... Petitioner

Vs.

1. State of Tamil Nadu
Represented by Inspector of Police
Taluk Police Station,
Vaniyambadi-635 751
Tiruppattur District.
2. The Superintendent of Police,
Tirupattur District,
Tirupattur 635 602.
3. K.Murugesan,
S/o.Kuzhanthai Gownder,
No.2/77, Vallipattu
Pin 635 752
Vaniyambadi Taluk,
Tiruppattur District.
4. K.Selva Nathan
S/o.Kuzhanthai Gownder,
No.2/77, Vallipattu Village
Pin 635 752
Vaniyambadi Taluk,
Tiruppattur District.

5. Radha

W/o.Murugesan,
No.2/77, Vallipattu Village,
Pin 635 752
Vaniyambadi Taluk,
Tiruppattur District.

... Respondents

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, praying to direct the first respondent to take necessary actions to provide adequate police protection to the petitioner and his family and consequently direct the first respondent to forbear the respondents 3 to 5 or their men or agents interfering with the removal of thorn bushes from his 3.46 agricultural land comprised at Vallipattu Village, Vaniyambadi Taluk, Tiruppattur District.

For Petitioner : Mr.B.Ram Prasath

For R1 : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

This petition has been filed seeking a direction directing the the first respondent to take necessary actions to provide adequate police protection to the petitioner and his family and consequently direct the first respondent to forbear the respondents 3 to 5 or their men or agents interfering with the removal of thorn bushes from his 3.46 agricultural land comprised at Vallipattu Village, Vaniyambadi Taluk, Tiruppattur District.

2.It is seen that the petitioner and respondents 3 & 4 are brothers and the 5th respondent is the wife of the 3rd respondent. The father of the petitioner has executed a settlement deed in favour of the petitioner vide Doc.No. No.2686 dated 28.09.1999. The petitioner became the absolute owner of the land. After completion of the registration process respondents 3 to 5 entered into the land of the petitioner and grab the same illegally. Therefore, the petitioner filed a suit before the Judicial Magistrate cum District Munsif, Vaniyambadi in O.S.No.03 of 2000 seeking permanent injunction and the same was ordered by the Court on 13.03.2000. Thereafter, the respondents 3 to 5 without complying the Court order repeatedly trespassing the land of the petitioner. Therefore, the

petitioner has filed a complaint before the 1st respondent and the same was registered, in which the respondents 1 to 5 were arrested and later there were released on bail. Further, it is stated that, the 4th respondent filed a suit in O.S.No.167 of 2020 for partition the same was dismissed. Aggrieved by the dismissal order of an appeal in A.S.No.25 of 2015 was filed and the same was also dismissed. Thereafter, without permission of the petitioner, the respondents illegally entered into the land of the petitioner. The petitioner filed a fresh complaint against the respondents 3 to 5 before the 2nd respondent to provide adequate police protection, which was referred and the 1st respondent to take action on the basis of the complaint of the petitioner and C.S.R.No.374 of 2019 was only assigned. But, till date no action was taken by the respondent police. Hence, the petitioner sought for police protection.

3. Heard Mr.B.Ram Prasath learned counsel for the petitioner and Mr.S.Karthikeyan learned Additional Public Prosecutor for the first respondent.

4.Considering the above submission, according to the petitioner there is a dispute between the petitioner and respondents 3 to 5 in respect of the disputed property. As such, police protection cannot be granted. The petitioner is at liberty to approach the appropriate Court with appropriate relief in the civil law.

5.With the above direction, this Criminal Original Petition is dismissed as devoid of merits.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vsn

To

1.The Judicial Magistrate cum District Munsif,
Vaniyambadi

2. The Inspector of Police
Taluk Police Station,
Vaniyambadi-635 751
Tiruppattur District.
3. The Superintendent of Police,
Tirupattur District,
Tirupattur 635 602.
4. The Public Prosecutor
High Court, Madras.

Crl.O.P.No.13559 of 2020

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