

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.14570 of 2020

N.P.Murugesan

...Petitioner

.Vs.

- 1.Tamizha
- 2.Anuradha
- 3.Saravanan
- 4.State by

The Inspector of Police,
Adhiyaman Kottai Police Station,
Dharmapuri District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the 4th respondent police to provide effective police protection to the petitioner to lay road in the petitioner land in Survey No.24/1 Kamarajar Nagar, Nallam palli Village, Nallam Palli Taluk, Dharmapuri.

For Petitioner : Mr.R.Thamarai Selvan

For Respondent 4 : Mr.S.Karthikeyan

Additional Public Prosecutor.

O R D E R

This petition has been filed seeking a direction to the 4th respondent police to provide effective police protection to the petitioner to lay road in the petitioner land in Survey No.24/1 Kamarajar Nagar, Nallam palli Village, Nallam Palli Taluk, Dharmapuri.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the 3rd respondent police.

3.The petition filed by the petitioner for a direction directing the 4th respondent to provide technical police protection to the petitioner to lay road in his property and which Survey No.24/1 which were situated at Kamarajar Nagar,

Nallam Palli Village, Nallam Palli Taluk, Dharmapuri District.

4.The learned counsel for the petitioner would submit that the petitioner purchased the said property from one Mahalingam by registered sale deed dated 18.10.1996 and the petitioner is in possession and enjoyment of the property. While being so, the respondents 1 to 3 herein disturbing the petitioner's possession and enjoyment and also filed the suit in O.S.No.92 of 2018 on the file of the Additional District Court, Dharmapuri for declaration declaring the sale deed executed in favour of the petitioner as null and void. That the said suit was dismissed by a Judgment and Decree dated 31.10.2019. The respondents 1 to 3 herein are not permitted the petitioner to lay the road in the said property. Therefore, the petitioner lodged a complaint on 14.08.2020 and the 4th respondent, without given any notice, had conducted enquiry, in the sale. Therefore, he sought for police protection from the lapse of the owner 1 to 3 herein.

5.Per contra the learned Additional Public Prosecutor submitted that on receipt of the complaint lodged by the petitioner in C.S.R.No.125 of 2020 even, then the present complaint dated 14.08.2020 and on the said complaint the detailed enquiry was conducted and closed on 26.07.2020. In respect of the complaint dated 14.08.2020 so far the 4th respondent did not receive any complaint from the petitioner.

6.Considering the above submission, the petitioner is directed lodge a fresh complaint forthwith and on receipt of the same, the 4th respondent is directed to conduct enquiry on the said sale deed executed in favour of the petitioner and also the dismissal of the suit filed by the respondents 1 to 3 herein for declaration declaring the sale deed executed in favour of the petitioner as null and void. After issuing notice to the respondents 1 to 3 herein and after affording due opportunity and pass orders on merits in accordance with law.

7.With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar

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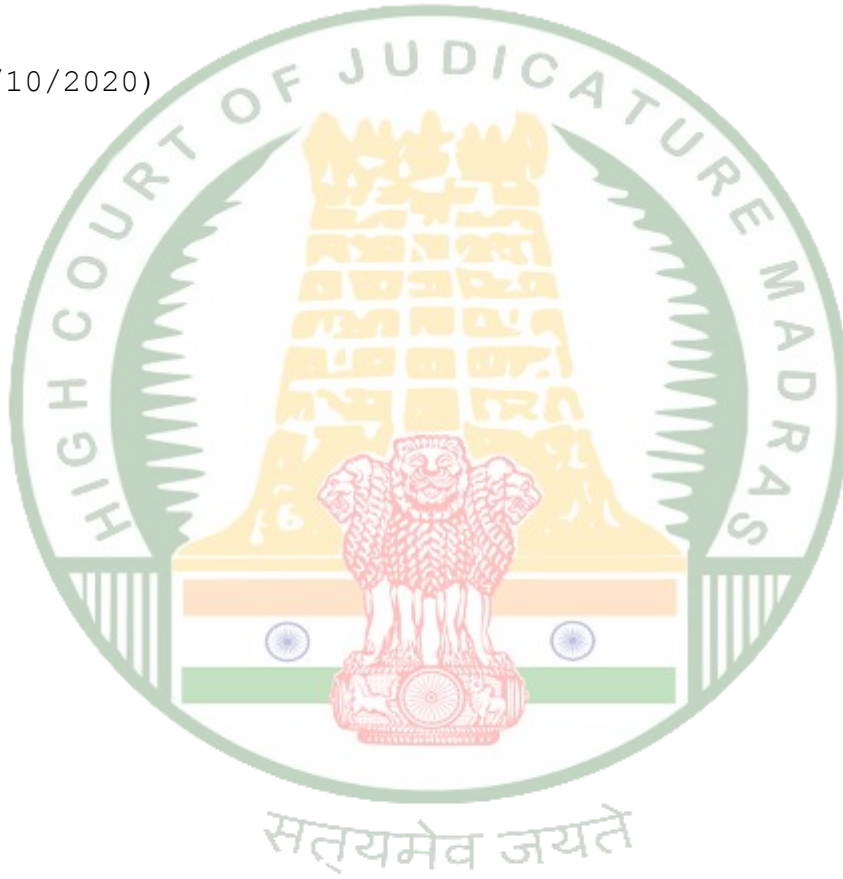
Sub Assistant Registrar

To

1. The Inspector of Police,
Adhiyaman Kottai Police Station,
Dharmapuri District.
2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.14570 of 2020

ssd (co)
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