

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.14136 of 2020

Velu

... Petitioner

Vs.

State Rep by

1.The Superintendent of Police
Krishnagiri
Krishnagiri District.

2.The Inspector of Police
Barur Police Station
Barur
Krishnagiri District.

3.Govindasamy

4.Arumugam

5.Thangavel

6.Madhu

7.Kalaivani

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the respondents 1 and 2 to give protection to the petitioner to iron fencing the land comprised in S.No.156 measuring 3.84 acres of Barur Village, Pochampalli Taluk, Krishnagiri District based on the petitioner's complaint dated 26.08.2020.

For Petitioner : Mr.K.Thiruvengadam

For Respondents: Mr.S.Karthikeyan

Additional Public Prosecutor for R1& 2

O R D E R

The Criminal Original Petition has been filed to direct the respondents 1 and 2 to give protection to the petitioner to iron fencing the land comprised in S.No.156 measuring 3.84 acres of Barur Village, Pochampalli Taluk, Krishnagiri District based on the petitioner's complaint dated 26.08.2020.

2.The learned counsel for the petitioner would submit that one Shankar purchased the property comprised in S.No.156 measuring 3.84 acres of Barur Village, Pochampalli Taluk,

Krishnagiri District, on the auction conducted by the Tamil Nadu Industrial Investment Corporation Limited (TIIC) ("hereinafter called as "TIIC"), and the same was registered vide document No.770 of 2010 dated 09.06.2020. The TIIC confirmed the sale and issued sale certificate. Thereafter, the said Shankar gave Power of Attorney to the petitioner and on the strength of the same, patta also transferred in the name of the petitioner and he is in possession and enjoyment of the property. While being so, the respondents 3 to 7, who are the unsuccessful bidders on the auction conducted by the TIIC disturbing the peaceful enjoyment and possession of the property. Therefore, the petitioner herein lodged a complaint dated before the 2nd respondent seeking for police protection to fence his land and the same was registered in Crime No.133 of 2016 on 30.05.2016.

3.The learned Additional Public Prosecutor would submit that now, the petitioner is not in possession of the property and the respondents 3 to 7 are in possession of the same.

4.Considering the above submission, there is a dispute between the petitioner and the respondents 3 to 7 in respect of possession of the property. Though the petitioner has got the property by way of Power of Attorney, it has to be decided by the Civil Court. Therefore, police protection cannot be granted to the case of this nature. Hence the Criminal Original Petition is dismissed. However the petitioner is at liberty to file a petition before the Civil Court as against the respondents 3 to 7 in the manner known to law.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

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To

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

2.The Inspector of Police,
Barur Police Station, Barur
Krishnagiri District.

3.The Public Prosecutor,
High Court of Madras.

Cr1.O.P.No.14136 of 2020

VSN II (CO)
GN(07/10/2020)