

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2020

CORAM

THE HONOURABLE MR. JUSTICE T.RAVINDRAN

Cr1 OP.No.19020 of 2020

Kaleeswari

...Petitioner

Vs.

1. The Superintendent of Police
Chengalpet District, Tamil Nadu.
2. The Deputy Superintendent of Police,
Mahabalipuram Circle, fisherman Colony,
Mahabalipuram, Chengalpet District,
Tamil Nadu - 603 104.
3. The Inspector of Police,
E-1, Mamallapuram Police Station,
Mahabalipuram, Chengalpet District,
Tamil Nadu - 603 104.

- 4.Dhilip Kumar
- 5.Sethu
- 6.Gangadharan
- 7.Hari

...Respondents

Prayer:Criminal Original Petition filed under Section 482 of Cr.P.C. to direct the respondents to give police protection to the petitioner and her family members for their life on the basis of the petitioner's representation dated 01.10.2020 for further construct and complete the compound wall of the petitioner's property and the petitioner is ready to pay for fees if any required.

For Petitioner	:	Ms.S.Babita
For Respondent	:	Ms. M. Prabhavathi
		Additional Public Prosecutor

ORDER

The Criminal Original Petition has been laid by the petitioner seeking for the grant of police protection to her and her family members for the further construction and completion of the compound Wall of the petitioner's property.

2.Complaining that when the petitioner undertook the construction of the compound wall in her property, the neighbours viz., R4 to R7 interfered with the construction without any basis and accordingly, it is the case of the petitioner that she has been necessitated to seek for police protection.

3.The petitioner claims title to the property in issue contending that her mother had purchased the property in issue based on the sale deed dated 27.09.2012 and also claims to be in the possession and enjoyment of the property in issue and hence, according to the petitioner, she is entitled to put up the compound wall in her property.

4.Even as averred in the petition, the neighbours are attempting to interfere with her possession and encroach her property. It is thus evident that the neighbours, who are arrayed as R4 to R7, are not admitting the claim of title of the petitioner to the property in issue and attempting to trespass into the property in issue by denying the title of the petitioner to the property in issue. In such view of the matter, it is for the petitioner to get her right affirmed or declared qua the property in issue by filing necessary civil action in the Civil Court.

5.On a reading of the petition preferred by the petitioner, in para-4, the petitioner has herself averred that there is dispute in title. In such view of the matter, without the petitioner getting her right affirmed or declared in the civil forum as per law qua the property in issue, in my considered opinion, at this juncture, it would not be advisable to invoke the jurisdiction conferred under Section 482 and direct the intervention of the police with respect to the property in issue, as the same would only create unnecessary problems and the police may also not be competent to decide the civil issues.

In conclusion, the criminal original petition is dismissed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

sms

Copy to

1.The Superintendent of Police
Chengalpet District, Tamil Nadu.

2. The Deputy Superintendent of Police,
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3. The Inspector of Police,
E-1, Mamallapuram Police Station,
Mahabalipuram, Chengalpet District,
Tamil Nadu - 603 104.
4. The Public Prosecutor, High Court, Madras.

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GP(CO)
KKV/19/12/2020