

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2020

CORAM:

THE HON'BLE MR.JUSTICE T.RAVINDRAN

Cr1.O.P.No.18429 of 2020

S.Sripriya
W/o, P.Singaraj,
No785(A) Part,
4th Main Road,
Ram Nagar South,
Madipakkam,
Chennai -91.

...Petitioner

-Vs-

1. The State Rep. By
The Inspector of Police,
S1-Madipakkam Police Station,
Chennai.

2. The Land Surveyor,
Sholinganallur,
Chennai.

... Respondents

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to direct the 1st respondent to provide police protection to the 2nd respondent on the basis of petitioner's representation dated 03.10.2020.

For Petitioner : Mr.B.Nambiselvan

For Respondents : Ms.M.Prabhavathi
Additional Public Prosecutor

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O R D E R

Seeking for providing police protection to the second respondent for taking survey of the property in issue, the Criminal Original Petition has been preferred by the petitioner.

2. The petitioner claims to be the owner of the property in issue on the basis of the sale deed dated 28.12.2011 and also further putforth that she is in possession and enjoyment of the said property and the patta had been issued in her favour. While so, according to the petitioner, during September 2020, the adjacent residents attempted to interfere with the possession and enjoyment, taking advantage of her absence. Therefore, according to the petitioner, she had taken steps to survey her property in order to prevent the adjacent residents/owners from causing trouble to her possession and enjoyment of the property in issue.

3. Though the petitioner's claims to be the owner of the property in dispute as per the sale deed abovestated, when it is her own case that the adjacent owners are not accepting her title and interfering with her possession and enjoyment, it is evident that the petitioner should only approach the Civil Court for declaring/affirming her title to the property in issue as per law. The petitioner without filing any civil action for getting her right declared/affirmed in the Civil Court in accordance with law, despite her right to the property in issue having been contested by the adjacent residents, has chosen to seek for police protection for taking survey of her land through the surveyor. Even with reference to the said relief, in my considered opinion, the petitioner should mainly get her right declared/affirmed by the Civil Court and seek necessary relief with reference to the same also in the Civil Court.

4. Without the petitioner's right to the property in issue not being declared/affirmed by the Civil Court till date, in my considered opinion, at this juncture, it would not be advisable to direct the police to intervene in the matter by invoking the inherent jurisdiction provided under section 482 Crpc.

5. In such view of the matter, this Court is not inclined to grant the relief sought for by the petitioner to provide police protection at this juncture.

6. Resultantly, the Criminal Original Petition is dismissed.

sd/
ASSISTANT REGISTRAR

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

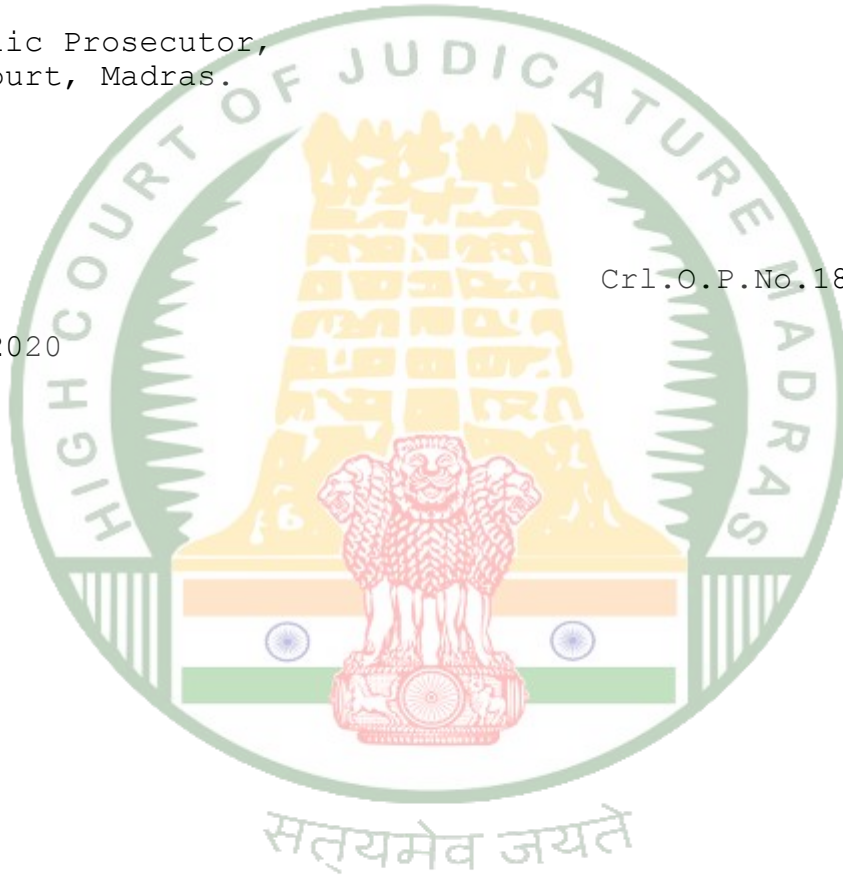
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To

1. The Inspector of Police,
S1-Madipakkam Police Station,
Chennai.
2. The Land Surveyor,
Sholinganallur,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

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Crl.O.P.No.18429 of 2020



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