

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2020

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.No.23621 of 2019

M.Kollapuri

...Petitioner/Accused

-Vs-

1. The State Rep. by
The Superintendent of Police,
Vellore District,
Vellore.
2. The Deputy Superintendent of Police,
Katpadi Sub Division,
Katpadi,
Vellore District.
3. The Inspector of Police,
Thiruvalam Police Station,
Vellore District.
4. G.Ekan Gounder
5. K.Gopi Gounder @ Mootai Gopi
6. Parasuraman @ Kuchili Veettu
7. N.Ganapathy
8. N.Natarajan

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the third respondent police to consider the petitioner's complaint dated 06.06.2019 and consequently direct them to give police protection to the petitioner to put up further construction in New Survey No.186A/5 situated at Main Bazar street, Thiruvalam, Katpadi Taluk, Vellore District.

For Petitioner : Mr.E.Kannadasan

For RR1 to R3 : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

For RR7 : Given up

For RR8 : No appearance

ORDER

This Criminal Original Petition has been filed to direct the third respondent to consider the petitioner's complaint dated 06.06.2019 and consequently direct him to give police protection to the petitioner to put up further construction in the new survey No.186A/5 situated at Main Bazar street, Thiruvalam, Katpadi Taluk, Vellore District.

2. The learned counsel for the petitioner has submitted that the petitioner is the absolute owner of the house property bearing Door No.22/2, Main road, Bazaar street, Thiruvalam village, Katpadi Taluk, Vellore District and the same was situated in Natham new survey No.186A/5. He further submitted that the District collector of Vellore by the proceedings dated 30.05.2019 has passed an order stating that the petitioner is enjoying the properties situated in old survey No.1862/3 and 182/3. He further stated that as per the revenue records, the survey No.186A/5 has not been classified as lane. He further submitted that the Village Administrative Officer has issued a certificate stating that the property situated in Vellore Natham survey number 186A/5 belongs to the petitioner herein, in which, there is no pathway. But the respondents 4 to 8 are claiming right of pathway over the said survey number. They are not having any right over the said survey number and they are totally strangers to the said survey number. He further submitted that when the petitioner was trying to put up a construction in the aforesaid survey number, the respondents 4 to 8 interfered and caused disturbances. Hence the petitioner has lodged a complaint before the third respondent on 06.06.2019. But, so far, no action has been taken on the said complaint. Hence, he requests to direct the third respondent to take action on the said complaint and provide police protection for the petitioner to put up further construction in the aforesaid survey number.

3. Per contra, the learned counsel for the respondents 4 to 6 opposed this petition by filing counter. The learned counsel for the respondents 4 to 6 has submitted that originally the aforesaid petition was filed by stating that the petitioner is putting up construction in Survey No.186A/1, but subsequently, he has amended the said survey number as 186A/5. He further submitted that there is a pathway in the said survey number and hence the respondents opposed to put up construction in the said survey number and also filed Caveat before the Subordinate Court, Vellore in Caveat No.131 of 2019 and hence instead of filing the suit

before the Civil Court, the petitioner has approached this Court by filing this petition. He further submitted that in the disputed facts, this Court cannot grant any police protection and therefore he opposed this petition.

4. The learned Additional Public Prosecutor appearing for R1 to R3 has adopted the arguments of the learned counsel for R4 to R6 and he also prayed to dismiss the petition.

5. Originally, this petition was filed seeking police protection in respect of the survey No.186A/1 and subsequently, the same has been amended as new survey No.186A/5. Though the petitioner has submitted that the Collector has passed an order stating that the survey No.186A/5 has not been classified as lane and also the Village Administrative Officer has issued a certificate stating that the properties situated in the aforesaid survey number belongs to the petitioner, the respondents 4 to 6 are vehemently denying the aforesaid facts and claimed that there is a pathway in the said Survey Number. Under these circumstances, this Court of the view that the petitioner has to approach the Civil Court and get appropriate relief. In case, the petitioner has obtained any interim injunction in the Civil Court and for enforcing the interim injunction, he can file a petition u/s.151 CPC before the same Civil court to provide police aid for enforcing the said order. Instead of that, he cannot approach this Court.

6. For the aforesaid reasons, this Criminal Original Petition is dismissed. It is open to the petitioner to approach the Civil Court and get appropriate relief.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Vellore District, Vellore.
 2. The Deputy Superintendent of Police,
Katpadi Sub Division,
Katpadi,Vellore District.
 3. The Inspector of Police,
Thiruvalem Police Station,Vellore District
 - 4.The Public Prosecutor,High Court, Madras.
- +1cc to Mr.E.Kannadasan , Advocate SR.No. 4678
+1cc to Mr.S.Venkatesh , Advocate SR.No. 5205

Cr1.O.P.No.23621 of 2019