



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 06.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.(MD)No.1914 of 2020

WEB COPY

K.Indira

... Petitioner

Vs.

1.State Rep. by

The Superintendent of Police,
Kanyakumari District @ Nagercoil.

2.The Assistant Superintendent of Police,
Colachel Sub Division,
Kanyakumari District.

3.The Inspector of Police,
Pudukadai Police Station,
Kanyakumari District.

4.Prabhu

5.Prabin

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C, to direct the respondents 1 to 3 herein to provide necessary police protection to the petitioner to raise granite compound wall in the portion which is left out from raising granite compound wall in the property lying together which belongs to the petitioner and her husband situated in Re-survey Nos.139/6A and 139/9B consisting of 15 cents of Painkulam Village, Kanyakumari District on the basis of her representation made before the respondents 1 to 3 herein by RPAD, dated 31.12.2019.

For Petitioner : Mr.B.Brijesh Kishore
For R1 to R3 : Mr.S.Chandrasekar,
Additional Public Prosecutor.

ORDER

This Criminal Original Petition has been filed seeking for a direction to the respondents 1 to 3 herein to provide necessary police protection to the petitioner to raise granite compound wall in the portion, which is left out from raising granite compound wall in the property lying together which belongs to the petitioner and her husband situated in Re-survey Nos.139/6A and 139/9B consisting of 15 cents of Painkulam Village, Kanyakumari District, on the basis of her representation made before the respondents 1 to 3 herein by RPAD, dated 31.12.2019.



2.The learned counsel appearing for the petitioner would submit that the petitioner is a Noon Meal Organiser and her husband is the Sub-Inspector of Police in CRPF at Andhra Pradesh State. The petitioner had purchased 9 cents of land in Re-survey No.139/6A in Painkulam Village on 13.08.1992, through a registered sale deed, vide Document No.1222 of 1992, through Sub-Registrar Office, Munchirai and she has also got patta bearing No.5996 and the petitioner's husband is paying land tax to the Government having mutation of the same in his favour. The petitioner also likewise purchased 6 cents of land in Re-survey No.139/9B on 26.08.2002, through a registered sale deed, vide Document No.1375 of 2002 and she has also obtained patta. While the petitioner and her husband attempted to raise a granite wall on three sides and other side, it was objected by the respondents 4 and 5 to do over the same. When the petitioner has given a complaint before the respondent police, no action has been taken by the respondents herein. Thereby, the present petition has been filed seeking to provide necessary police protection.

3.When the matter is taken up for hearing, the learned Additional Public Prosecutor appearing for the respondents 1 to 3 herein would submit that there is a dispute with regard to the property between the petitioner and the respondents 4 and 5 and other persons in the locality. Since there is a dispute with regard to the usage of the pathway, the third respondent/Inspector of Police has registered a case under Section 145 of Cr.P.C., during the year 2018 and has referred the matter to the jurisdictional Revenue Divisional Officer for enquiry.

4.At this juncture, the learned counsel for appearing for the petitioner would submit that till date the petitioner has not received any summons from the Revenue Divisional Officer and he would further submit that a direction may be issued to the second respondent to conduct enquiry based on the representation, dated 31.12.2019.

5.In view of the same, this Criminal Original Petition stands closed with a direction to the second respondent to conduct an enquiry based on the representation of the petitioner, dated 31.12.2019, after summoning the necessary/interested parties and pass orders in accordance with law.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



1.The Superintendent of Police,
Kanyakumari District @ Nagercoil.

2.The Assistant Superintendent of Police,
Colachel Sub Division,
Kanyakumari District.

3.The Inspector of Police,
Pudukadai Police Station,
Kanyakumari District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.B.BRIJESH KISHORE, Advocate (SR-4978[F] dated
06/02/2020)

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MK (28.02.2020) 3P 6C