



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2020

CORAM:

THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

CrI.O.P. (MD)No.5633 of 2020

WEB COPY
C.Panjam

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by the Superintendent of Police,
Madurai District,
Madurai.

2.The Inspector of Police (Circle),
Sholavandhan Police Station,
Sholavandhan,
Madurai District.

3.The Sub-Inspector of Police,
Kaddipatti Police Station,
Kadipatti Village,
Madurai District.

4.C.Thangam

5.Eswari, W/o.Thangam

... Respondents

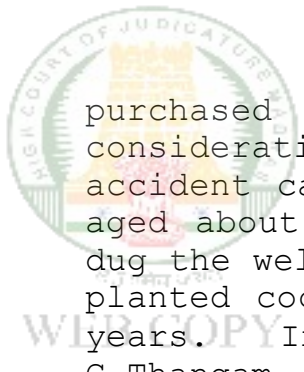
PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the respondents 1 and 2 to grant Police Protection for the 'Life and Limb' of the petitioner as well as to his Agricultural property in S.No.240/4B, measuring an extent of 2 Acres 72 ½ Cents in Kovil Kurvithurai, Vadipatti Taluk, Madurai District, within a stipulated time as fixed by this Court, on the basis of the petitioner's representation dated 13.04.2020.

For Petitioner	: Mr.P.M.Vishnuvarthanan
For R1 to R3	: Mr.S.Chandrasekar
	Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking direction, to direct the respondents 1 and 2 to grant police protection for the life and limb of the petitioner as well as to his agricultural property in S.No.240/4B, measuring an extent of 2 Acres 72 ½ Cents in Kovil Kuruvithurai, Vadipatti Taluk, Madurai District, by considering the representation given by the petitioner, dated 13.04.2020.

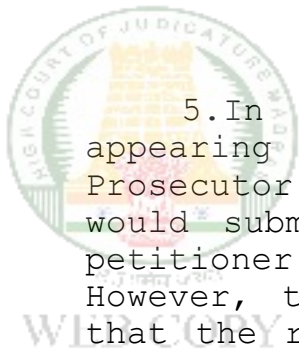
2.The case of the petitioner is that he is a visually challenged and unmarried person, aged about 44 years. He had



purchased the property from one Veerayee for valuable sale consideration, with the amount received as compensation in the motor accident case filed by him, for an accident took place when he was aged about 10 years old. After the said purchase, the petitioner dug the well with the help of his younger brother viz., Mani and has planted coconut trees and benefitted from the same for the past 25 years. In the meanwhile, the petitioner's elder brother viz., C.Thangam [4th respondent] and his wife viz., Eswari [5th respondent] with an intention to grab the said property, threatened the petitioner and took away the property document on 24.12.2018, for which, the petitioner has lodged several complaints against the fourth respondent viz., on 24.12.2018, 29.03.2019, 24.05.2019 and 26.05.2019, but no action has been taken on the complaints given by the petitioner. Therefore, the petitioner has filed M.C.No.4598 of 2019 before the Revenue Divisional Officer, Madurai, directing the respondents 4 and 5 not to interfere with the peaceful possession and enjoyment of the said property and it is pending till date.

3. According to the learned counsel appearing for the petitioner, the petitioner has also filed Crl.O.P.(MD)No.5858 of 2019 before this Court and this Court, vide order dated 08.07.2019, directed the Police to give protection for his peaceful enjoyment of the said property. On receipt of the order passed by this Court, when at the time the petitioner approached the second respondent, he has stated that the order passed by this Court in the above said Crl.O.P. is invalid and if protection is needed, advised the petitioner to get an order either from the Taluk Court or from the Revenue Divisional Officer, Madurai. In the said circumstances, the petitioner approached this Court by way of filing Crl.O.P.(MD) No.2800 of 2020. In the said Criminal Original Petition, this Court, vide order dated 18.02.2020, directed the respondent police to consider the representation of the petitioner, on merits. Though the petitioner made a representation to the respondent police officials on 13.03.2020, after receiving the order copy, no action has been taken on the order passed by this Court. In spite of the same, the respondents 4 and 5 herein once again trespassed into the petitioner's property on 12.04.2020 at 12 Noon and brutally assaulted the petitioner with wooden stick and caused serious injuries.

4. Further, according to the learned counsel appearing for the petitioner, the respondents 4 and 5 taking the law into their own hands, attacked the petitioner for the second time and caused serious injuries and also made a life threat. Hence, based on the complaint given by the petitioner, a case in Crime No.255 of 2020 has been registered on 20.04.2020, for the offences punishable under Sections 294(b), 323 and 506(i) and 379(NP) IPC, on the file of the third respondent police. Only in the said circumstances, the petitioner is before this Court seeking direction, to direct the respondent police to give sufficient protection to him.



5.In respect of the submission made by the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the respondent police, on instructions, would submit that no representation alleged to be given by the petitioner is pending with the respondent police at present. However, the learned Additional Public Prosecutor fairly conceded that the representation given by the petitioner, dated 13.04.2020, had already been forwarded to the Revenue Divisional Officer, Madurai, for considering the prayer sought for and upon which, a proceeding has been initiated in M.C.No.4598 of 2019 and the same is pending on the file of the R.D.O., Madurai.

6.Upon considering the submissions made by the learned counsel appearing on either side, it came to understand that the ultimate dispute between the petitioner and the respondents 4 and 5 is in respect of the land alleged to have been purchased by the petitioner. It is not in dispute that in respect of the same, the proceeding initiated by the petitioner before the Revenue Divisional Officer, Madurai, is pending. Further, it is admitted on the side of the respondent Police that the representation given by the petitioner, dated 13.04.2020, has also been forwarded to the Revenue Divisional Officer, Madurai, for considering the prayer sought for by the petitioner.

7.In the said circumstances, no doubt, the petitioner being a visually challenged person, needs some protection from the respondent police. In fact, the right and title of the disputed land have to be decided only by the Civil Court. In this regard, neither the Revenue Authority nor the Police Authorities are having any power to decide the said issue. However, in respect of the dispute having by the petitioner with the respondents 4 and 5, the proceedings are now pending before the Revenue Divisional Officer, Madurai, therefore, it would be appropriate to issue some direction to the Police Officers to give protection to the petitioner's life and limb as well as to his agricultural property, comprised in S.No.240/4B, measuring an extent of 2 Acres 72 ½ Cents in Kovil Kuruvithurai, Vadipatti Taluk, Madurai District, till the disposal of M.C.No.4598 of 2019, on the file of the Revenue Divisional Officer, Madurai.

8.This Criminal Original Petition is disposed of with the above direction.

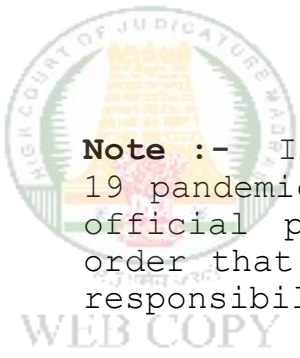
Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar(CS)



Note :- In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Superintendent of Police,
Madurai District,
Madurai.
- 2.The Inspector of Police (Circle),
Sholavandhan Police Station,
Sholavandhan,
Madurai District.
- 3.The Sub-Inspector of Police,
Kaddipatti Police Station,
Kadipatti Village,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.M. VISHHNUVARTHANAN, Advocate (SR-16156[F] dated 07/09/2020)

CrI.O.P (MD)No.5633 of 2020
03.09.2020

AP(11/09/2020) 4P 6C