



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.08.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **R.PONGIAPPAN**

Crl.O.P.[MD]No.6948 of 2020

WEB COPY

Pandiyammal

... Petitioner

Vs.

1.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

2.The Inspector of Police,
Taluk Police Station,
Paramakudi Taluk,
Ramanathapuram.

3.Kaalaisamy

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the respondents No.1 and 2 to provide adequate protection to the life and limb of the petitioner at the time of construction on her land based on her representation dated 19.03.2020.

For Petitioners : Mr.K.S.Durai Pandian
For R-1 and R-2 : Mr.S.Chandrasekar
Additional Public Prosecutor

For R-3 : Mr.P.Muthusamy

O R D E R

This Criminal Original Petition has been filed seeking a direction to direct that respondents 1 and 2 to provide adequate police protection to the life and limb of the petitioner at the time of construction on her land based on the representation dated 19.03.2020.

2.The learned counsel appearing for the petitioner would submit that while at the time the petitioner attempted to construct the house in her property, the third respondent herein interfered with the construction work and thereby police protection is necessary as prayed by the petitioner.

3.The learned Additional Public prosecutor appearing for the respondents 1 and 2, on instructions, would submit that the petition sent by the petitioner dated 19.03.2020 has been received by the first respondent and the same is still pending for further action.



4. On the other hand, the learned counsel appearing for the third respondent would submit that in respect of the property now under dispute, in earlier a suit has been filed by the third respondent in O.S.No.80 of 2015 on the file of the District Munsif, Paramagudi, in which the petitioner was arrayed as defendant and the said suit was decreed in favour of the petitioner on 06.04.2017. He would further submit that after suppressing the said fact, the petitioner herein attempted to construct the wall in the pathway, in which, the third respondent is also having the right and title.

5. Upon considering the arguments advanced by either side, if it is true the decree passed in O.S.No.80 of 2015 is in favour of the third respondent, the petitioner herein is not having any *locus standi* to construct a compound wall in the property, which is the subject matter of O.S.No.80 of 2015. Since the application dated 19.03.2020 has been submitted for giving protection to construct the wall, it is made clear that the petitioner and the third respondent is having the civil dispute till now. In the judgment reported in **2006 (4) CTC 60** in the case of **Indian Oil Corporation Vs. NEPC India Ltd., and others**, wherein our Honourable Apex Court has decided that the Revenue Official/Police Officer cannot interfere in the civil dispute having between the private individuals. Therefore, giving police protection for constructing the wall, is nothing but an attempt to interfere with the civil right of the third respondent. Moreover, for the same purpose, the petitioner herein submitted an application on 15.05.2019 and the same was taken up for enquiry in C.S.R.No.67 of 2019 and after due enquiry, the same has been closed.

6. In view of the above, the prayer sought for by the petitioner is devoid of merits. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Deputy Registrar (LA&M)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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,
Ramanathapuram District,
Ramanathapuram.
- 2.The Inspector of Police,
Taluk Police Station,
Paramakudi Taluk,
Ramanathapuram.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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VB (21.08.2020) 3P 4C