



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.10723 of 2020

P.R.Muthudurai

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Sankarankovil, Thenkasi District.

3.The Inspector of Police,
Sankarankovil Police Station,
Thenkasi District.

4.P.Shanmugasundaram

5.P.Ganesan

6.P.Subramanian

7.P.Paramasivan

8.P.Sankaralingam

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to direct the 1 to 3 respondents to give police protection to the life and limb of the petitioner from the 4th to 8th respondents on the basis of the complaints lodged by the petitioner on 08.09.2020 and 19.09.2020.

For Petitioner : M/s.J.Bala Meenkashi

For Respondents : Mr.V.Neelakandan,

Addl. Public Prosecutor for R1 to R3.

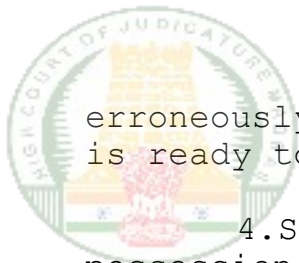
Mr.M.Thirunavukkarasu for R4 to R8.

O R D E R

Heard the learned counsel on either side.

2.The petitioner alleges that the private respondents are committing encroachment on his property and are also threatening him with dire consequences.

3.When the matter was taken up for hearing, the learned counsel appearing for the private respondents submitted that they are looking after the lands in question on behalf of the original inamdars. The learned counsel would further contend that instead of impleading the inamdars, the respondents 4 to 8 have been



erroneously impleaded. The learned counsel further states that he is ready to produce the relevant revenue records in this regard.

4. Since *prima facie* dispute regarding title as well as possession has been projected, I am of the view that the petitioner has to necessarily move the jurisdictional civil court and obtain an order of injunction. If the petitioner is able to succeed before the civil court and get even temporary injunction, certainly to enforce the same, police aid can be sought. Without preliminary adjudication of the rival claims regarding title and possession, this Court exercising its jurisdiction under Section 482 of Cr.P.C. may not be in a position to grant relief. Leaving open the rights of the parties, the criminal original petition is dismissed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

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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,
Thenkasi, Thenkasi District.
2. The Deputy Superintendent of Police,
Sankarankovil, Thenkasi District.
3. The Inspector of Police,
Sankarankovil Police Station,
Thenkasi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CrI.O.P. (MD)No.10723 of 2020

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