



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.10820 of 2020

P.Pethan

... Petitioner

Vs

1.The Superintendant of Police,
Madurai District,
Madurai.

2.The Inspector of Police,
Uthappa Nayakkanoor Police Station,
Uthappa Nayakkanoor,
Madurai District.

3.Jeyaraj ... Respondents
(R3 is impleaded vide Court order in Crl.M.P.(MD)
No.5135 of 2020 in Crl.O.P. (MD)
No.10820 of 2020, dated 12.10.2020.)

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the 2nd respondent to implement the orders of the Special Tahsildar, Athidiravidar Welfare, Usilampatti and to provide adequate police protection to the petitioner by considering the petitioner's complaint dated 01.08.2020.

For Petitioner : Mr.M.Saravanakumar

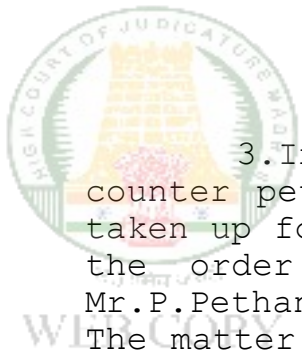
For Respondents: Ms.S.E.Veronica Vincent,
Govt. Advocate (Crl. Side) for R1 & R2

Mr.C.Vakeeswaran for R3

O R D E R

Heard the learned counsel on either side.

2.The prayer in this criminal original petition is for directing the jurisdictional police to give protection to Mr.P.Pethan to enforce the order passed by the Special Tahsildar, Land Acquisition, Adhidravadar Welfare, Usilampatti Taluk on 18.10.2019.



3.In this criminal original petition one Jeyaraj, who is the counter petitioner has got impleaded himself. When the matter was taken up for hearing, the learned Government Advocate submitted that the order passed by the Special Tahsildar was to call upon Mr.P.Pethan to move the jurisdictional police and obtain reliefs. The matter was enquired into by jurisdictional police and the issue has since been closed. It is further submitted by the learned Government Advocate that Mr.Jeyaraj has prepared an appeal before the appellate authority. In these circumstances, the question of granting the relief of police protection to Mr.P.Pethan does not arise at all. In any event, I am of the view that the police cannot be tasked with the job of evicting a person in the first instance. There must be a primary order passed by the jurisdictional court or forum, to enforce which, police aid can be summoned. Grant of police protection cannot be ordered in the very first instance when the contentious issue have not been adjudicated by the proper authority or court or forum.

4.With these observations, the criminal original petition is dismissed.

Sd/-

Assistant Registrar (CS-III)

// 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,
Madurai District,
Madurai.
- 2.The Inspector of Police,
Uthappa Nayakkanoor Police Station,
Uthappa Nayakkanoor,
Madurai District.



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

+1 CC to M/s.C. VAKEESWARAN, Advocate (SR-19826[F] dated 13/10/2020

+1 CC to M/s.M. SARAVANAKUMAR, Advocate (SR-19985[F] dated
14/10/2020)

Crl.O.P(MD)No.10820 of 2020

12.10.2020

SSS(CO)

NR (22/10/2020) 3P : 6C