



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CrI.O.P (MD)No.13470 of 2020

K.Alagarsamy

... Petitioner

vs.

- 1)The Superintendent of Police,
Dindigul District,
Dindigul.
- 2)The State Rep. by
The Inspector of Police,
Vedachandur Police Station,
Dindigul District.

(*) R3.Ponraj

S/o.Ramasampayan

... Respondents

**(R3 impleaded as per order of this Court dated
23/12/2020 in CRL OP(MD)No.13470 of 2020 and
CRL MP(MD)No.6954 of 2020 by JNBJ)**

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the 2nd respondent to give necessary police protection to plough and to do cultivation activities the petitioner's life and limb based on his representation dated 14.10.2020.

For Petitioner : Mr.J.Sulthan Basha

For R1 & R2 : Mr.V.Neelakandan

Additional Public Prosecutor

ORDER

This petition has been filed to direct the 2nd respondent to give necessary police protection to the petitioner's life and limb and to plough and to do cultivation activities based on his representation dated 14.10.2020.

2.The learned counsel for the petitioner would state that the petitioner has agricultural lands to an extent of 6 acres in S.Nos.1058/3, 1064/5, 1052/6, 1058/2 and 1064/2 situated at



Vedachandur Village, Dindigul District. One Ponram who is the son of the petitioner's paternal uncle had illegally claimed right over the above property and filed a partition suit which was partly decreed, against which, the petitioner filed appeal suit and the same was dismissed and thereagainst, the petitioner filed a second appeal before this Court and this Court has granted interim stay in respect of the lands in S.Nos.1058/3 and 1064/5. While so, on 10.10.2020, when the petitioner was cultivating his lands in the above survey numbers, Ponram, his wife and his son along with henchmen had criminally trespassed into the petitioner's land and restrained the cultivating process and used filthy language against the petitioner and threatened him with dire consequences. Therefore, petitioner made a representation dated 14.10.2020 to the respondents. seeking police protection for his property and cultivation and no action has been taken. Hence, this petition.

3.The learned Additional Public Prosecutor would state that the respondents 1 and 2 will consider and pass orders on the petitioner's representation dated 14.10.2020 within a time frame to be fixed by this Court.

4.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents 1 and 2.

5.Perusal of record shows that the petitioner has not impleaded the persons who are said to have threatened him. Considering the facts and circumstances of the case, without advertting to the merits of the case, the respondents 1 and 2 are directed to consider and pass orders on the petitioner's representations dated 14.10.2020 after giving opportunity to the rival parties by following the guidelines laid down by the Hon'ble Apex Court in ***D.K.Basu Vs. State of West Bengal reported in AIR (1997) SC 610.*** The said exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order.

The Criminal Original Petition is disposed of with the above directions.

Sd/-
16.12.2020

(*)Being Mentioned

This matter having been posted under the caption "For Being Mentioned" on 23/12/2020 and upon hearing Mr.J.Sulthan Basha for M/s.Ajmal Associates, Advocate for the Petitioner and Mr.V.Neelakandan, Advocate for Respondents the Court made the following order:

<https://hcservices.ecourts.gov.in/hcservices/>



This matter has been listed today under the caption 'for being mentioned' at the instance of the learned counsel for the third respondent herein.

2. The learned counsel for the respondent submitted that on 16.12.2020, when the Criminal Original Petition was disposed of, an impleading petition to implead the third respondent filed by the petitioner was ordered but the same was not incorporated in the order dated 16.12.2020. Therefore, Registry is directed to implead the third respondent in the cause title and carry out necessary correction in the order dated 16.12.2020.

3. The learned counsel for the respondent would further state that the police was directed to consider the representation of the petitioner and pass appropriate orders. The learned counsel for the petitioner submitted that the petitioner filed a second appeal before this Court and this Court has also granted an order of interim stay, whereas the learned counsel for the respondent submitted that the survey numbers, which were mentioned in this petition was not covered under the second appeal. He would further submit that in the second appeal, this Court has passed an order not to pass any final decree. Hence, seeking police protection in respect of the land in question does not come within the purview of the second appeal. The respondent police shall enquire and consider the same and take appropriate action.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

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,
Dindigul District,
Dindigul

<https://hcservices.ecourts.gov.in/hcservices/>



2)The Inspector of Police,
Vedachandur Police Station,
Dindigul District.

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

+1cc to M/s.AJMAL ASSOCIATES, in SR.No.26317

ORDER MADE IN
CrI.O.P (MD)No.13470 of 2020
DATED : 16.12.2020

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AE/ (26/03/2021) 4P / 5C