



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2020

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P(MD)No.13012 of 2020

Jegathees Prabhu

... Petitioner

vs.

1)The Superintendent of Police,
Ramanathapuram District.

2)The Inspector of Police,
Thiruvatanai Police Station,
Thiruvatanai,
Ramanathapuram District.

3)Duraisingam

4)Kaasi

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to directing the respondents 1 and 2 to give adequate police protection for cutting the karuveylam trees and survey the petitioner's land bearing Patta No.11655 in survey No.282/3B near extending of 19.15 cents in Gudalur Village, R.S.Mangalam Taluk, Ramanathapuram District based on the representation given by the petitioner dated 03.11.2020.

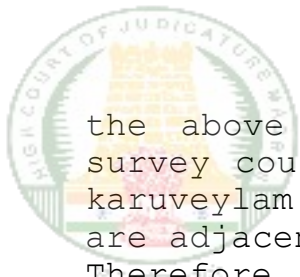
For Petitioner	: Mr.M.Iniyavan
For R1 & R2	: Mr.V.Neelakandan
	Additional Public Prosecutor
For R3 & R4	: Notice Dispense with

ORDER

The present petition has been filed to direct the respondents 1 and 2 to give adequate police protection for cutting the karuveylam trees and survey the petitioner's land bearing Patta No.11655, Survey No.282/3B measuring an extent of 19.15 cents in Gudalur Village, R.S.Mangalam Taluk, Ramanathapuram District, based on the representation given by the petitioner dated 03.11.2020.

2.The learned counsel for the petitioner would state that though the petitioner filed application for surveying his land in

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



the above survey number, due to occupation of karuveylam trees, survey could not be done and while the petitioner attempted to cut karuveylam trees standing in his land, the respondents 3 and 4, who are adjacent land owners, resisted it and threatened the petitioner. Therefore, the petitioner gave a complaint dated 01.09.2020 to the 2nd respondent/Police against the respondents 3 and 4 in CSR.No.246/2020, in which, the 2nd respondent conducted enquiry and instructed the respondents 3 and 4 that if they have any objection/grievance with regard to the survey of the petitioner's land and fixing of boundaries, they have to approach the appropriate forum. According to the petitioner, though the respondents 3 and 4 accepted the same, till date, they are not co-operating for cutting of Karuveylam trees and surveying his land. Therefore, the petitioner sent representation in this regard to the respondents 1 and 2 on 03.11.2020. As there is no response till date, the present petition has been filed.

3.The learned Additional Public Prosecutor would state that the on the complaint of the petitioner dated 01.09.2020, enquiry was conducted and after enquiry, the petitioner himself had stated that he will not pursue the said complaint and based on that, the complaint was closed on 03.09.2020 and now the petitioner has given the present complaint dated 02.11.2020 to the respondents 1 and 2 through post.

4.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor. In view of the order going to be passed, notice to respondents 3 and 4 is not necessary.

5.Considering the facts and circumstances of the case and since the survey and fixing of boundaries will be done only based on the revenue records, the respondents 1 and 2 are directed to consider the petitioner's representation dated 02.11.2020 and pass orderes within a period of two weeks from the date of receipt of a copy of this order and give police protection if necessary. If it is found that police protection is not necessary, the respondents 1 and 2 shall communicate the action taken to the petitioner, so that he can work out his remedy in the manner known to law.

With the above direction, this Criminal Original Petition is disposed of.

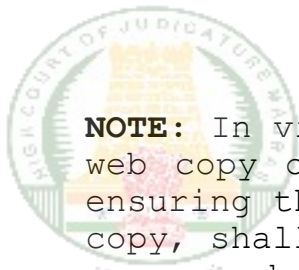
Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

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.

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To

- 1)The Superintendent of Police,
Ramanathapuram District.
- 2)The Inspector of Police,
Thiruvatanai Police Station,
Thiruvatanai,
Ramanathapuram District.
- 3)The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.POLEX LEGAL SOLUTION, Advocate SR-22891.

ORDER MADE IN
Crl.O.P (MD) No.13012 of 2020
DATED : 23.11.2020

CK (CO)
CS (03.12.2020) 3P 5C