



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2020

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P(MD)No.13039 of 2020

S.Arishi Kumar

... Petitioner

vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai District.

2. The Inspector of Police,
Nerkuppai Police Station,
Sivagangai District.

3. Chinnakaruppan

... Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to issue a direction, directing the respondent no.2 to give police protection and assistance to the petitioner to construct iron fencing on the boundaries of the petitioner's property in S.No.129/1, Thuvar Post, Thirupathur Taluk, Sivagangai District by considering the representation dated 24.10.2020.

For Petitioner : Mr.K.Dinesh
For R1 & R2 : Mr.V.Neelakandan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the respondent No.2 to give police protection and assistance to the petitioner to construct iron fencing on the boundaries of the petitioner's property in S.No.129/1, Thuvar Post, Thirupathur Taluk, Sivagangai District by considering the representation dated 24.10.2020.

2.The matter is listed today 'for being mentioned' at the instance of the counsel for the petitioner.

3.When the matter was taken up for hearing on 19.11.2020, the learned Additional Public Prosecutor appearing for the respondents 1 and 2, on instructions, submitted that based on the complaint of the



petitioner, dated 26.10.2020, enquiry has been conducted and the same was closed by advising both the parties to approach the Civil forum for their remedy. Recording the said submission, this Criminal Original Petition was closed.

4. Now, the learned counsel for the petitioner would submit that the petitioner and his brother have brought the agriculture land situated in S.No.129/1 Thurvar Post, Thirupathur Taluk, Sivagangai District from one Veeriyaperumal on 24.08.2020 through a proper registered sale deed in Doc.No.1534/2020. Thereafter, Patta was also transferred in the name of the petitioner. In this circumstance, on 14.09.2020, when the petitioner is trying to put iron fence around the boundaries on the property, the third respondent has made a wordy quarrel with the petitioner. Hence, the petitioner made a representation dated 24.10.2020 to the second respondent for providing adequate police protection for survey and fencing his land. Therefore, he prayed before this Court for police protection while surveying the petitioner's land.

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

6. The petitioner would only seek police protection for surveying his land and to measure the same as per the revenue records. Considering the facts and circumstances of the case and also considering the submission made by the learned counsel for the petitioner, the petitioner is directed to approach the revenue authority concerned and to give application for surveying and fixing the boundaries on the petition mentioned property. On such application, the surveyor shall give notice to the third respondent indicating the date of survey and also intimate the date of survey to the second respondent. On the date of survey, the second respondent is directed to give police protection while surveying the petitioner's land.

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

Sd/-

Assistant Registrar (CO)

// 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



To

1. The Superintendent of Police
Office of the Superintendent of Police
Sivagangai District
2. The Inspector of Police
Nerkuppai Police Station
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CRL OP (MD) No.13039 of 2020
22.12.2020

MSA
SRS/05.01.2021/3P/4C