



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P (MD)No.13301 of 2020

Harimoorthy

... Petitioner

Vs

1.State rep by,
The Inspector of Police,
Theppakulam Police Station,
Madurai City.

2.Durairaj

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the 1st respondent to provide police protection for removing the stairs which was mistakenly encroached by the petitioner in common way in Town Survey No.165/1 at Devi Nagar Mettu Street, Madurai East based on the petitioner's representation dated 09.10.2020.

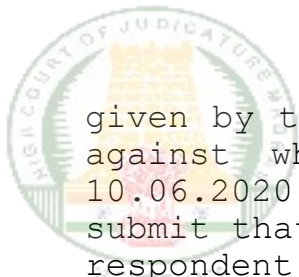
For Petitioner : Mr.M.Ramu
For R1 : Mr.V.Neelakandan,
Additional Public Prosecutor(Crl.Side)

O R D E R

This Criminal Original Petition has been filed to direct the 1st respondent to provide police protection for removing the stairs which was mistakenly encroached by the petitioner in common way in Town Survey No.165/1 at Devi Nagar Mettu Street, Madurai East based on the petitioner's representation dated 09.10.2020.

2. The learned counsel for the petitioner would submit that the property in Survey No.165/1 is an ancestral property. The second respondent is residing adjacent to the petitioner's house. There is a common way to the extent of 3 feet between the houses of petitioner and the second respondent. By mistake, the petitioner has constructed stairs encroaching the common way and on survey, the encroached area was marked. The petitioner has also taken steps to remove the stairs. But the second respondent objected for the same. Hence, the petitioner has given representation on 27.08.2018 to the first respondent, for giving police protection. Since, no action has been taken by the respondent, the petitioner has come up with this Criminal Original Petition.

3.When the matter is taken up for hearing today, the learned Additional Public Prosecutor appearing on behalf of the 1st respondent, on instructions, would submit that the representation



given by the petitioner has been received by the respondent police, against which, CSR No.311 of 2020 has also been assigned on 10.06.2020. The learned Additional Public Prosecutor would further submit that enquiry was conducted and during the enquiry, the second respondent has given undertaking that he will not disturb the petitioner in future with regard to the issue involved in this matter. Hence, by recording the undertaking given by the second respondent, the enquiry was closed.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

5. Recording the submission so made by the learned Additional Public Prosecutor, this criminal original petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vrn

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 Inspector of Police,
Theppakulam Police Station,
Madurai City.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P(MD)No.13301 of 2020

24.11.2020

VB (02.12.2020) 2P 3C