



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2020

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P.(MD)No.13400 of 2020

S.Tamilarasi

... Petitioner

vs.

1)State represented by Superintendent of Police,
Dindigul, Dindigul District.

2)State represented by Sub Inspector of Police,
Amblikai Police Station, Dindigul.

3)S.Chellamuthu

4)C.Praveen kumar

5)C.Sivapriya

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, directing the 3rd and 5th respondents to provide necessary police protection to the petitioner's life and his property on the basis of a representation sent by the petitioner to the 1st respondent and as per the order dated 28.09.2020 passed in I.A.No.137/2020 in O.S.No.68 of 2020 on the file of the Taluk Munsif, Otanchathiram.

For Petitioner : Mr.C.S.Ravichandran
For R1 & R2 : Mr.V.Neelakandan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed directing the 3rd and 5th respondents to provide necessary police protection to the petitioner's life and his property on the basis of a representation sent by the petitioner to the 1st respondent and as per the order dated 28.09.2020 passed in I.A.No.137/2020 in O.S.No.68 of 2020 on the file of the Taluk Munsif, Otanchathiram.



2.The learned counsel for the petitioner would state that originally the petitioner and her husband's brother's wife jointly purchased a property measuring 18½ cents in Survey No.227/3 including east-west pathway and thereafter, her husband's brother's wife sold her share namely, 9¼ cents to the petitioner, thereby the petitioner became the absolute owner for the entire extent. The petitioner's vendor's vendor had purchased the above property from the respondents 3 to 5 under sale deed dated 06.09.2010, in which, it has been clearly mentioned that east-west pathway is for ingress and egress and for movement of vehicle to the said 18½ cents property. The 3rd respondent is the adjacent land owner to the petitioner's property and he did not allow the petitioner to use the said pathway and insisted the petitioner to sell her property in his favour. Therefore, the petitioner lodged a complaint and the Police had advised the parties to resolve their dispute with the help of Surveyor. Since the 3rd respondent did not allow the Surveyor to measure the property, the petitioner filed W.P.No.5428/2019 and obtained an order for surveying her property. Even then, the 3rd respondent did not allow the Surveyor to make survey and therefore, the petitioner filed O.S.No.68/2020 and obtained an interim injunction against respondents 3 to 5. Even thereafter, the respondents 3 to 5 gave criminal intimidation to the petitioner and disturbed her peaceful possession and enjoyment of her property. Therefore, the petitioner lodged a complaint against respondents 3 to 5 seeking police protection to her life and limb. Again, the petitioner sent representation dated 16.10.2020 in this regard. Since no action was taken, the petitioner has filed the present petition.

3.The learned Additional Public Prosecutor would state that the respondents 1 and 2 will consider and dispose of the petitioner's representation dated 16.10.2020 within a time frame to be fixed by this Court.

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 to 5 is not necessary.

5.Recording the above submission made by the learned Additional Public Prosecutor, without going into the merits of the case, the respondents 1 and 2 are directed to consider and pass orders on the petitioner's representation dated 16.10.2020 after giving opportunity to the respondents 3 to 5 by following the principles laid down by the Hon'ble Apex Court in ***D.K.Basu Vs. State of West Bengal reported in AIR (1997) SC 610*** and if it is found that police protection is necessary, the same may be given to the petitioner. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order



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

Sd/-

Assistant Registrar (A.S)

// True Copy //

WEB COPY

/ /2020

Sub Assistant Registrar(CS)

bala

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, Dindigul District.
- 2)The Sub Inspector of Police,
Amblikai Police Station, Dindigul.
- 3)The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
Crl.O.P.(MD)No.13400 of 2020
DATED : 26.11.2020

PV(CO)
CS(08.12.2020) 3P 4C