



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P(MD)No.13522 of 2020

K.Senthil

... Petitioner

Vs

1.The Superintendent of Police
Thanjavur District,
Thanjavur.

2.The Inspector of Police,
Pappanadu Police Station,
Thanjavur District.

3.Muthuramalingam

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the respondents 1 & 2, to give adequate police protection to the petitioner to enable him to put up fencing in Survey No.175B/11C, Neiveli Vadapathi Village, Orathanadu Taluk, Thanjavur District.

For Petitioner : Mr.C.Mayilvahana Rajendran

For R1 & R2 : Mr.V.Neelakandan,

Additional Public Prosecutor(Crl.Side)

O R D E R

This Criminal Original Petition has been filed to direct the respondents 1 & 2, to give adequate police protection to the petitioner to enable him to put up fencing in Survey No.175B/11C, Neiveli Vadapathi Village, Orathanadu Taluk, Thanjavur District.

2. The learned counsel for the petitioner would submit that the property situated at Survey No.175B/11C, Neiveli Vadapathi Village, Orathanadu Taluk, Thanjavur district belongs to the petitioner's family. The Revenue Records pertaining to the above property stands in the name of petitioner's father. Since boundary stones were missing, the petitioner decided to put up fencing. On application, the concerned Surveyor surveyed the land on 31.08.2020 and marked the boundries. On 01.10.2020, when the petitioner started to put up fencing, the 3rd respondent prevented him and trying to encroach the petitioner's land. Hence, the petitioner has given representation to the respondents 1 & 2 on 28.10.2020, for giving police protection. So far, no action has been taken by them. Hence, this petition.

3.The learned Additional Public Prosecutor appearing on behalf of the respondents 1 & 2, on instructions, would submit



that the representation of the petitioner has been received by the respondent police and when the parties were called for enquiry, they have not attended the same.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 & 2. In view of the order going to be passed, notice to the third respondent 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 28.10.2020 after giving opportunity to the third respondent 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 directions, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (CRL.SIDE)

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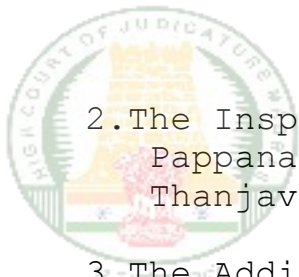
Sub Assistant Registrar (CS)

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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
Thanjavur District,
Thanjavur.



2.The Inspector of Police,
Pappanadu Police Station,
Thanjavur District.

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

Crl.O.P(MD)No.13522 of 2020
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PM(CO)
KM (08.12.2020) 3P 4C