



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2020

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CRL.O.P.(MD)No.13521 of 2020

S.Raja

... Petitioner

vs.

1)The Superintendent of Police,
Thoothukudi District.

2)The Inspector of Police,
Murappadu Police Station,
Thoothukudi District.

3)S.Petchimuthu @ Durai

4)A.Ulaganathan

... Respondents

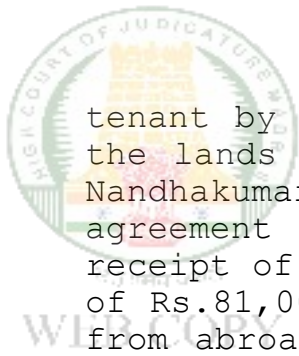
PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the respondent police to provide adequate police protection to the petitioner and his family members' life and limbs and for entering and pursuing agriculture in their land bearing Ayan Nanja Land bearing Survey Nos.307, 308, 309 and 313/7 situated in Murappanadu Village, Thoothukudi District in pursuant to the complaint of the petitioner dated 06.10.20.

For Petitioner : Mr.I.Robert Chandrakumar
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 police to provide adequate police protection to the petitioner and his family members' life and limbs and for entering and pursuing agriculture in their land bearing Ayan Nanja Land bearing Survey Nos.307, 308, 309 and 313/7 situated in Murappanadu Village, Thoothukudi District in pursuant to the complaint of the petitioner dated 06.10.20.

2.The learned counsel for the petitioner would state that the petitioner is doing agriculture in the above lands as cultivating



tenant by virtue of the written made over executed by the owner of the lands namely, Arumugathammal. After her death, her legal heir Nandhakumar inherited the above property and he has executed a sale agreement with the petitioner in respect of the above property on receipt of the advance amount of Rs.75,000/- out of the total amount of Rs.81,000/- and agreed to execute the sale deed after his return from abroad, but he did not do so. In the said circumstance, the respondents 3 and 4 who are in no way connected with the above property, attempted to trespass on the above property and therefore, the petitioner lodged a complaint to the 2nd respondent on 17.08.2018 in CSR.No.240/2018. The petitioner also filed a suit in O.S.No.82/2019 against the said Nandhakumar and respondents 3 and 4 seeking the relief of specific performance and injunction. Despite receipt of summon, Nandhakumar did not appear and hence, he was set exparte and the 4th respondent filed written statement and contested the suit. While so, on 01.10.2020 the respondents 3 and 4 again trespassed and cut down 20 palm trees standing on his property and when the petitioner tried to prevent it, they also assaulted him and made life threat to the petitioner. Therefore, the petitioner lodged a complaint to the respondent/Police on 06.10.2020 seeking police protection, and during enquiry, the Police advised the parties to seek their remedy in the pending suit. The learned counsel for the petitioner would also state that even thereafter, the respondents 3 and 4 are entering into the petitioner's land and not allowing to cultivate the lands. Hence, this petition.

3.The learned Additional Public Prosecutor would state that the petitioner and respondents 3 and 4 were called for enquiry on the complaint dated 06.10.2020, and during enquiry, both parties were advised to seek remedy before the civil forum in the pending suit and therefore, the said complaint was closed. However, since the petitioner still alleges threat at the hands of the respondents 3 and 4 even after the enquiry, the learned Additional Public Prosecutor would state that the respondents/Police will dispose of the above complaint in the manner known to law and will give police protection if necessary.

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 submissions made on either side, without going into the merits of the case, the respondents 1 and 2 are directed to dispose of the petitioner's complaint dated 06.10.2020 after affording opportunity to the respondents 3 and 4 by following the guidelines laid down by the Hon'ble Apex Court in ***D.K.Basu Vs. State of West Bengal reported in AIR (1997) SC 610.*** The said exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order.



6.The Criminal Original Petition is disposed of with the above directions.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

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/ /2020

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

ORDER MADE IN
Crl.O.P.(MD)No.13521 of 2020
DATED : 01.12.2020

PV(CO)
CS(10.12.2020) 3P 4C