



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J. NISHA BANU

CrI.O.P.(MD).No.13990 of 2020

WEB COPY

V. Premkumar

... Petitioner

vs.

1.The Superintendent of Police,
Theni, Theni District.

2. The Inspector of Police,
Cumbum North Police Station,
Theni District.

3. Chittammal

4. Murugesan

5. Jeyasuriya

6. Suresh

7. Magesh

8. Sabarihassan

9. Ramesh

10. Dhanalakshmi

11. Abinеш

12. Perumayee

13. Raja

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the second respondent to give police protection for the petitioner's life and limb as well as the property in Survey No.1603/1 measuring 1 acre situated at Uthamapuram Village, Cumbum, Theni District on the basis of his representation dated 23.11.2020 in accordance with law.

For Petitioner

: Mr.K. Sathishkumar

For R-1 & R-2

: Mr.V. Neelakandan,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking direction to the 2nd respondent to give police protection for the petitioner's life and limb as well as the property in Survey No.1603/1 measuring 1 acre situated at Uthamapuram Village, Cumbum, Theni District by considering his representation dated 23.11.2020 in accordance with law.

2.The learned counsel for the petitioner would state that the petitioner and his brothers namely, Senthilkumar and Rajnithkumar are the absolute owners of the property in the abovesaid address.

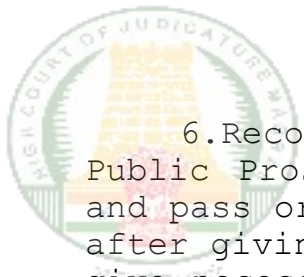


The petitioner's father got the above property through the registered settlement deed dated 12.07.2019 executed by his sister/3rd respondent herein and the 3rd respondent got the said property through the settlement deed dated 10.07.2019 executed by the respondents 4, 5, 8 and 9 who are her own children. After the settlement from the 3rd respondent, the petitioner's father was in possession and enjoyment of the above property and after his demise, the petitioner and his family members became the absolute owners of the above property and on 15.09.2020, the petitioner's sister and mother executed a deed in Document No.3262/2020 relinquishing their shares in the property in favour of the petitioner and his two brothers, thereby the petitioner and his two brothers alone became the absolute owners of the above property.

3.The learned counsel would further state that on 21.11.2020 when the petitioner visited his property to fix boundary stones, the respondents 3 to 13 created problems and they did not allow the petitioner to enter his property with the help of henchmen and opposed to fix the boundary stones. According to the petitioner, while the above property was in the name of the 4th respondent, the respondents 12 and 13 along with two others disturbed the peaceful possession. Hence, the 4th respondent filed a suit against the respondents 12 and 13 and the same was decreed, against which respondents 12 and 13 preferred appeal and the same was dismissed was default and thereafter steps were not taken to restore the appeal, thereby, the judgment in the suit attained finality. While so, the respondents 3 to 13 assaulted the petitioner and gave him life threat. According to the petitioners, only after his father's demise, the respondents 3 to 13 created problems in order to grab his property and they also sent legal notice stating that the petitioner's father got the above property from the 3rd respondent by coercion. According to the petitioner, all the revenue records of the property are in his favour, even then, the respondents 3 to 13 made serious life threat to him and his family members. Therefore, the petitioner sent a detailed representation dated 23.11.2020 to the respondents 1 and 2 seeking police protection to his life and his property, but no action was taken. Hence, this petition.

4.The learned Additional Public Prosecutor appearing for the respondents 1 & 2, on instructions, would submit that on the complaint of the petitioner, enquiry has been conducted and during the enquiry, the petitioner had produced the documents to show his title to the above property, whereas the respondents 3 to 13 had not produced any document to prove their title to the said property.

5.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 & 2. Since no adverse order is going to be passed against the respondents 3 to 13, notice to them is not necessary.



6.Recording the above submission made by the learned Additional Public Prosecutor, the respondents/police are directed to consider and pass orders on the petitioner's representation, dated 23.11.2020 after giving opportunity to the respondents 3 to 13 and if required, give necessary police protection to survey the land and measure the boundaries. While passing the orders on the representation, the respondents/police shall also keep in mind that the petitioner has civil court decree in his favour in respect of the above property. The said exercise shall be completed within a period of one week from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

bala/ksa

To

- 1.The Superintendent of Police,
Theni, Theni District.
2. The Inspector of Police,
Cumbum North Police Station,
Theni District.
- 3.The Addl. Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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