



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

Crl.O.P. (MD)No.14136 of 2020

V.Premkumar

... Petitioner

Vs.

1.The Superintendant 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.Abinesh

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the second respondent to give a police protection for the petitioner's life and limb as well as the property in Survey No.686/3C and Survey No.686/3D1, plot No.4, T.S.No.49 measuring 39-1/2 cents and house site in Survey No.16/68, 69 and 70 situated at Velpatti Village, Kodaikannal Taluk, Dindigul, on the basis of his representation, dated 23.11.2020 in accordance with law.

For Petitioner : Mr.K.Sathishkumar

For Respondents 1 & 2 : Mr.V.Neelakandan

Additional Public Prosecutor

O R D E R

This petition has been filed seeking direction to the second respondent to give a police protection for the petitioner's life and limb as well as the property in Survey No.686/3C and Survey No.686/3D1, plot No.4, T.S.No.49 measuring 39-1/2 cents and house site in Survey No.16/68, 69 and 70 situated at Velpatti Village, Kodaikannal Taluk, Dindigul, on the basis of 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 Ranjithkumar are absolute owner of the aforementioned property. In fact the petitioner's father got the property through registered Settlement Deed executed by his sister / third respondent on 12.07.2019. Thereafter, on 15.09.2020, the petitioner's sister and his mother executed a relinquish deed in favour of the petitioner and his two brothers. Therefore, they are in possession of the property. On 18.10.2020, the petitioner went to his property to fix the boundary stone, where the respondents 3 to 11 have created problem with the help of henchmen. Though the respondents 3 to 11 have sold the property to the petitioner's father in the year 2019, after the demise of his father, they have created problem for the only reason to grab his property. The petitioner has all the revenue records to prove the ownership and in order to safeguard his property, he wants to erect boundary stones, however, the respondents 3 to 11 made a serious life threat to the petitioner and his family members. Therefore, the petitioner sent a representation dated 23.11.2020 to the respondents 1 and 2 seeking police protection to the life and limb as well as the property, but so far no action was taken. Hence, this petition.

3. When the petition is taken up for hearing, the learned Additional Public Prosecutor appearing for the respondent police, on instructions, would submit that on verification it is found that the petitioner is having all the revenue records to prove his ownership and the respondents 3 to 11 has no documents and the enquiry is pending.

4.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police. In view of the order going to be passed, notice to respondents 3 to 11 are 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 23.11.2020 after giving opportunity to the respondents 3 to 11 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(CS-I)

// True Copy //

/ /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 Superintendant of Police

Theni,

Theni District.

2. The Inspector of Police,

Cumbum North Police Station,

Theni District.

3. The Additional Public Prosecutor,

Madurai Bench of Madras High Court,

Madurai.

Crl.O.P. [MD] No.14136 of 2020

07.12.2020

MJ(CO)

TR(22.12.2020) 3P 4C