



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.14158 of 2020

V.Ayyapasamy

... Petitioner

Vs.

1.The Superintendant of Police

O/o. The Superintendant of Police,
Theni District,
Theni.

2.The Inspector of Police,

Theni Police Station,
Theni District.

3.Rajaram

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the respondents 1 and 2 to consider the petitioner's representation dated 03.03.2020 and subsequent representation dated 17.11.2020 for providing adequate police protection to the petitioner's life and limb for construct a building on his land property situated in Survey No.557/1, Miranda line, Old G.H.Road, Theni Town, Theni District.

For Petitioner : Mr.R.Karunanidhi

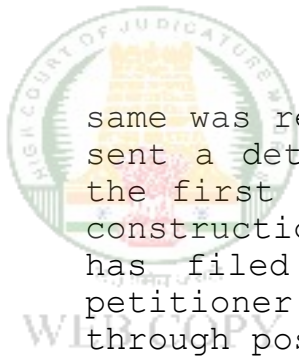
For Respondents 1 & 2 : Mr.V.Neelakandan

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed directing the respondents 1 and 2 to consider the petitioner's representation dated 03.03.2020 and subsequent representation dated 17.11.2020 for providing adequate police protection to the petitioner's life and limb for construct a building on his land property situated in Survey No.557/1, Miranda line, Old G.H.Road, Theni Town, Theni District.

2.The learned counsel for the petitioner would state that the petitioner has purchased the above mentioned property on 03.10.1977 and after purchase, he has been in possession and enjoyment. In these circumstances, one Paramasivam Nadar and his legal heirs have filed a suit in O.S.No.86 of 1986 for Declaration and Permanent Injunction and the same was dismissed and it was decreed in favour of the petitioner. Aggrieved over the same, the third respondent preferred an appeal in A.S.No.11 of 2009 and the same was also dismissed on 26.11.2018. The third respondent and others have restrained the petitioner and attempted to grab the petitioner's land. Therefore, the petitioner lodged a complaint on 03.03.2020 seeking police protection to his life and limb and the



same was registered in CSR.No.169 of 2020. Again the petitioner has sent a detailed representation dated 17.11.2020 in this regard, to the first respondent and requested for police protection to build a construction on his land. Since no action was taken, the petitioner has filed the present petition. The learned counsel for the petitioner would further state that the complaint was forwarded through post to the respondents.

3.The learned Additional Public Prosecutor would state that based on the complaint dated 03.03.2020, enquiry has been conducted in CSR No.169 of 2020 and the same has been closed on 05.03.2020. He would further state that if the petitioner gives a fresh representation along with relevant documents, the respondents 1 and 2 is prepared to consider the same.

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 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 petitioner is permitted to make a fresh representation along with relevant documents to the respondents 1 and 2 and on such representation being made, the respondents 1 and 2 are directed to consider same 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 direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CO)

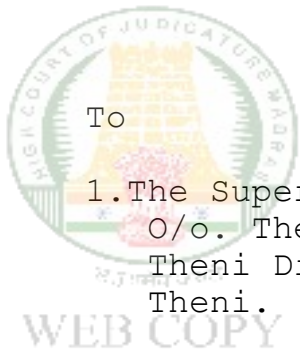
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/ /2020

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 Superintendant of Police
O/o. The Superintendant of Police,
Theni District,
Theni.
- 2.The Inspector of Police,
Theni Police Station,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-24194[F] dated
07/12/2020)

Crl.O.P.[MD]No.14158 of 2020
07.12.2020

AC (CO)
KB(16.12.2020) 3P 5C