



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P (MD)No.14433 of 2020

Santhiyagu

... Petitioner

Vs

1.The Superintendent of Police
Sivagangai District.
Sivagangai,

2.The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.

3.Santhiyagu
4.Arulanthu
5.Thaneeslas
6.Kani

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the respondent Nos. 1 & 2 to give police protection for life and limb of the petitioner and his property.

For Petitioner : Mr.K.Malaimaran
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 respondent Nos. 1 & 2 to give police protection for life and limb of the petitioner and his property.

2. The learned counsel for the petitioner would submit that the petitioner is an agricultural coolie by profession. He purchased a land in Survey No.236/3 to an extent of 0.03.0 hectares (7 ½ cents) from one Vellaiyan and Kalimuthan, who are the sons of one Vellaiyan. According to the petitioner, he used the above purchased land for Vakkol Pattappu and he also fenced the property. The grievance of the petitioner is that on 29.11.2020, the respondent Nos. 3 to 6 trespassed into the petitioner's property and removed the fencing stones and removed the Vakkol Pattappu. When the same was questioned, they started to threaten the petitioner with dire consequences. Hence, the petitioner made complaint to the 2nd respondent on 30.11.2020, for giving police protection and the same was not considered. Once again, the petitioner sent a complaint to the respondents on 01.12.2020 seeking police protection. So far, no



action has been taken by them. Hence, this petition.

3.The learned Additional Public Prosecutor(Crl.side) appearing on behalf of the respondents 1 & 2, on instructions, would submit that the complaint of the petitioner has been received by the respondent police and CSR No.856 of 2020 has been assigned on 09.12.2020 and the enquiry is pending.

4.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor (Crl. Side) appearing for the respondents 1 & 2. Since no adverse order is going to be passed, notice to the respondent Nos.3 to 6 is dispensed with.

5.Recording the above submission made by the learned Additional Public Prosecutor, without going into the merits of the case, the respondents 1 & 2 are directed to consider and pass orders on the petitioner's complaint dated 01.12.2020 after giving opportunity to the respondent Nos.3 to 6 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

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vrn

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
Sivagangai District.
Sivagangai,

2.The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.



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

WEB COPY

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10.12.2020

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SJ(CO)

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