



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P. (MD)No.14657 of 2020

D.Chinnadurai

... Petitioner

vs.

- 1.State through
The Superintendent of Police,
Pudukottai,
Pudukottai District.
- 2.The Deputy Superintendent of Police,
Alangudi,
Pudukottai District.
- 3.The Inspector of Police,
Keeramangalam Police Station,
Pudukottai District.
- 4.Balu @ Muthusamy
- 5.Balasubramanian
- 6.Chellasamy
- 7.Chelladurai

... Respondents

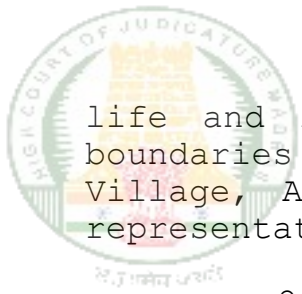
PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the second respondent to give police protection for the petitioner's life and limb as well as to survey the property and to fix a boundaries stone in survey No.153/1B situated at Keeramangalam North Village, Alangudi Taluk, Pudukottai District on the basis of his representation, dated 01.12.2020 in accordance with law.

For Petitioner : Mr.C.Susi Kumar

For R1 to R3 : Mr.V.Neelakandan
Additional Public Prosecutor(Crl.side)

O R D E R

This Criminal Original Petition has been filed to direct the second respondent to give police protection for the petitioner's



life and limb as well as to survey the property and to fix a boundaries stone in survey No.153/1B situated at Keeramangalam North Village, Alangudi Taluk, Pudukottai District on the basis of his representation, dated 01.12.2020 in accordance with law.

2. The learned counsel for the petitioner would submit that the petitioner is the absolute owner of the property in Survey No.153/1B measuring 0.94.50 hectors situated at Keeramangalam North Village, Alangudi Taluk, Pudukottai District. The respondent Nos.4 to 7, who are the adjacent land owners have created enmity with regard to the boundaries of the petitioner's property. Hence, the petitioner decided to fence the property and also paid requisite fee for surveying the property. Since no action has been taken, the petitioner filed a Writ Petition before this Court in W.P.(MD) No.12927 of 2020 and obtained a positive order. But while executing the same, the respondent Nos. 4 to 7 have restrained the revenue officials to survey the land and made life threat to the petitioner. Hence, the petitioner has made a representation dated 01.12.2020 to the respondent Nos.1 to 3, seeking police protection to survey his property. So far no action has been taken by them, the petitioner is before this Court, with the present Criminal Original Petition.

3.The learned Additional Public Prosecutor(Crl.side) appearing on behalf of the respondents 1 to 3, on instructions, would submit that the complaint of the petitioner has been received by the respondent police and CSR No.452 of 2020 has been assigned on 12.12.2020 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 to 3. Since no adverse order is going to be passed, notice to the respondents 4 to 7 is dispensed with.

5.Considering the facts and circumstances of the case, it is crystal clear that the petitioner has already obtained an order for surveying his property as per the order of this Court in W.P. (MD) No.12927 of 2020. Now the petitioner has come forward, seeking police protection. Therefore, without going into the merits of the case, the respondents 1 to 3 are directed to consider and pass orders on the petitioner's complaint dated 01.12.2020 after giving notice to the respondent Nos. 4 to 7 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. The respondent police shall keep in mind the order obtained by the petitioner in W.P.(MD) No.12927 of 2020, while considering the petitioner's complaint.



6. With the above directions, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (P & A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
Pudukottai,
Pudukottai District.
2. The Deputy Superintendent of Police,
Alangudi,
Pudukottai District.
3. The Inspector of Police,
Keeramangalam Police Station,
Pudukottai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
Crl.O.P. (MD)No.14657 of 2020

DATED : 14.12.2020

SSS (CO)

NR (07/01/2020) 3P : 5C