



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P.(MD)No.14893 of 2020

Kaliraj

... Petitioner

Vs.

1.The Superintendent of Police,
O/o Superintendent of Police,
Tenkasi District.

2.The Sub-Inspector of Police,
Thiruvenkadam Police Station,
Thiruvengadam,
Tenkasi District.

3.Shenthoor Pandian

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent Nos. 1 & 2 to provide adequate protection to the petitioner to construct the house in S.No.1388/22 situated at Aladipatti Village, Tiruvengadam Taluk, Tenkasi District. Subsequently to give protection for using the public pathway based on the petitioner's representation dated 09.12.2020 filed through online.

For Petitioner : Mr.R.Senthilkumar

For R1 & R2 : Mr.V.Neelakandan

Additional Public Prosecutor(Crl.side)

ORDER

This petition has been filed to direct the respondent Nos. 1 & 2 to provide adequate protection to the petitioner to construct the house in S.No.1388/22 situated at Aladipatti Village, Tiruvengadam Taluk, Tenkasi District and for using the public pathway, based on the petitioner's online representation dated 09.12.2020.

2.Heard the learned counsel for the petitioner, the learned Additional Public Prosecutor (Criminal Side) for the respondent Nos. 1 & 2.



3.The learned counsel for the petitioner would submit that the petitioner purchased a land in S.No.1388/22, Alatipatti Village, Thiruvenkadam, Tenkasi vide sale deed dated 23.10.2019 and planned to construct a dwelling house in the above land. According to the petitioner, on 06.12.2020, when the petitioner brought construction materials through the common pathway, the 3rd respondent prevented the petitioner to use the pathway stating that the same is his property and threatened the petitioner. Hence, the petitioner preferred a complaint before the respondent police on 09.12.2020. Since no effective steps have been taken by them, the petitioner is before this Court, with this present Criminal Original Petition.

4.The learned Additional Public Prosecutor appearing for the respondent Nos.1 & 2 on instructions, would submit that based on the online complaint given by the petitioner, enquiry was conducted and during the enquiry, both the parties appeared and they have given undertaking that they have made arrangement for surveying the land, thereby they could ascertain the common pathway. After completion of survey, there will not be any issue in bringing the construction materials to the petitioner's land through the common pathway. The petitioner specifically would state that no further action is necessary on his complaint. Accordingly, the complaint was closed on 15.12.2020.

5.Recording the submission made by the learned Additional Public Prosecutor, the Criminal Original Petition is closed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

/ /2021

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,
O/o Superintendent of Police,

<https://hcservices.ecourts.gov.in/hcservices/>
Tamil Nadu District.



2.The Sub-Inspector of Police,
Thiruvenkadam Police Station,
Thiruvengadam,
Tenkasi District.

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

Crl.O.P. (MD)No.14893 of 2020
16.12.2020

KM (07.01.2021) 3P 4C