



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2020

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P. (MD)No.14958 of 2020

Santhakumari

... Petitioner

Vs.

1.State through
The Superintendent of Police,
Trichy, Trichy District.

2.The Inspector of Police,
Musiri Police Station,
Trichy District.

3.Senthilkumar
4.Radha
5.Dharmalingam
6.Ganesan
7.Shahul Hammed

... Respondents

Prayer : Criminal Original Petition 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 to survey the property and to fix a boundaries stone in survey No.474/3A1M, 76/5, 76/4 and 76/4B situated at Thathaiyangarpettai Road, Musiri West Village, Trichy on the basis of his representation dated 10.12.2020.

For Petitioner : Mr.C.Susi Kumar

For R1 & R2 : Mr.V.Neelakandan,
Additional Public Prosecutor.

ORDER

This criminal original petition has been filed to direct the second respondent to give a 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.474/3A1M, 76/5, 76/4 and 76/4B situated at Thathaiyangarpettai Road, Musiri West Village, Trichy on the basis of his representation dated 10.12.2020.



2.The learned counsel appearing for the petitioner would submit that the above mentioned properties are owned by the petitioner's father-in-law and he executed a registered will dated 29.01.1993, in which it is specifically mentioned that the petitioner's husband and the third respondent have equal share in all the properties. While that being so, the third respondent herein has tried to grab the entire property. Hence, the petitioner filed a suit in O.S.No.134 of 2011 before the II Additional District Court, Trichy for partition. The learned Judge has passed decree in favour of the petitioner. However, the private respondent herein created unnecessary problem and restrained the surveyor and other revenue officials to do their work. Hence, the petitioner preferred a representation dated 10.12.2020 seeking police protection for the petitioner's life and limb as well as to survey the property and to fix a boundaries stone in the above mentioned property. Since no action has been taken, the petitioner filed the present petition.

3.The learned Additional Public Prosecutor appearing for the first and second respondents, on instructions, would submit that based on the representation of the petitioner, the second respondent initiated an enquiry the same is pending. He would further submit that the respondent police will take necessary steps and if necessary, they will give police protection.

4.It is seen that there is a civil Court's decree in favour of the petitioner and hence, the official respondents are directed to give police protection to survey the property and to fix a boundaries stone in survey No.474/3A1M, 76/5, 76/4 and 76/4B situated at Thathaiyangarpettai Road, Musiri West Village, Trichy on the basis of his representation dated 10.12.2020 by giving opportunity to the private respondents herein, within a period of four weeks from the date of receipt of a copy of this order. Accordingly, this criminal original petition is allowed.

Sd/-

Assistant Registrar (AS)

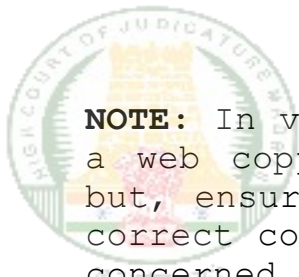
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Sub Assistant Registrar (CS)

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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.

WEB COPY

To

- 1.The Superintendent of Police,
Trichy, Trichy District.
- 2.The Inspector of Police,
Musiri Police Station,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.14958 of 2020
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KM (19.01.2021) 3P 4C