



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CrI.O.P (MD)No.15250 of 2020

Pitchaiyammal Beevi

... Petitioner

Vs

1.The Inspector of Police,
Uthamapalayam Police Station,
Uthamapalayam,
Theni District.

2.The Sub Inspector of Police,
Odaipatti,
Uthamapalayam Taluk,
Theni District.

3.Sekar

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the respondents 1 and 2 to provide adequate police protection for agricultural activities in S.No.62/7 for an extent of 1.95 acres of land situated at Odaipatti Village, Uthamapalayam Taluk, Theni District.

For Petitioner : Mr.P.Arun Jayatram
For R1 and R2 : Mr.V.Neelakandan,
Additional Public Prosecutor(CrI.Side)

O R D E R

This Criminal Original Petition has been filed to direct the respondents 1 and 2 to provide adequate police protection for agricultural activities in S.No.62/7 for an extent of 1.95 acres of land situated at Odaipatti Village, Uthamapalayam Taluk, Theni District.

2. The learned counsel for the petitioner would submit that the the petitioner is the owner of the land in Survey No.62/7 at Odaipatti Village, Uthamapalayam Taluk, Theni District and she is doing agricultural activities in the said land. The petitioner on 25.11.2019 made an application to the Tahsildar to survey the land. Since the same was not done, the petitioner filed W.P.(MD)No.8478 of 2020 to direct the Tahsildar to survey the land in Survey No.62/7. The said writ petition was disposed of with a direction to the Tahsildar to survey the land. In pursuant to the same, the Tahsildar has issued a notice to the petitioner and the adjacent land owner. Subsequently, the third respondent disturbed the



agriculture activities and threatened the petitioner with dire consequences. Hence, the petitioner registered a case against the third respondent in Crime No.5 of 2020 on 20.03.2020. Since the third respondent did not allow the petitioner to do the regular agricultural activities, the petitioner submitted a representation on 29.10.2020 seeking police protection. So far, no action has been taken by them. Hence, this petition.

3. The learned Additional Public Prosecutor appearing on behalf of the respondents 1 and 2, on instructions, would submit that the complaint of the petitioner has been received by the respondent police and CSR No.451 of 2020 has been assigned on 20.12.2020 and the respondents 1 and 2 will consider and pass orders on the petitioner's representation dated 29.10.2020 within a time frame.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 and 2. 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 adverting to the merits of the case, the respondents 1 and 2 are directed to consider and pass orders on the petitioner's representation dated 29.10.2020 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*** on merits and in accordance with law. 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(CO)

// True Copy //

/ /2021

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 Inspector of Police,
Uthamaplayam Police Station,
Uthamapalayam,
Theni District.
- 2.The Sub Inspector of Police,
Odaipatti,
Uthamapalayam Taluk,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P(MD)No.15250 of 2020
03.12.2020

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sj (CO)
TR(11.01.2021) 3P 5C