



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CrI.O.P. (MD)No.15228 of 2020

Shanmugavel

... Petitioner

vs.

1. The Superintendent of Police,
Thoothukudi District, Thoothukudi.

2. The Deputy Superintendent of Police,
Vilathikulam, Thoothukudi District.

3. The Inspector of Police,
Vilathikulam Police Station, Thoothukudi District.

4. Varadharajan

5. Ponnuthevar

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the respondents 1 to 3 to give adequate police protection to the life and limb of the petitioner and his family members at the time of removing the raw materials stored by the respondents 4 and 5 in the property belonging to the petitioner comprised in Survey No.9/6A, an extent of 2 Acres 73 Cents, situated at Vilathikulam, Thoothukudi District, based on the representation dated 01.12.2020 made before the respondents 1 to 3.

For Petitioner : Mr.R.Murugan

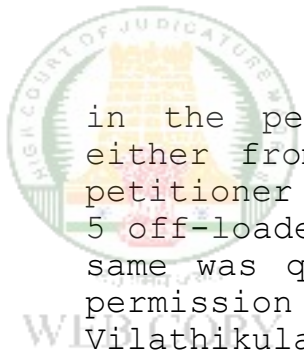
For R1 to R3 : Mr.V.Neelakandan

Additional Public Prosecutor(CrI.side)

O R D E R

This Criminal Original Petition has been filed to direct the respondents 1 to 3 to give adequate police protection to the life and limb of the petitioner and his family members at the time of removing the raw materials stored by the respondents 4 and 5 in the property belonging to the petitioner comprised in Survey No.9/6A, an extent of 2 Acres 73 Cents, situated at Vilathikulam, Thoothukudi District, based on the representation dated 01.12.2020 made before the respondents 1 to 3.

2. The learned counsel for the petitioner would submit that the petitioner is 75 years old and he purchased the property in Survey No.9/6A, an extent of 2 acres 73 cents situated at Vilathikulam, Thoothukudi District vide registered sale deed Doc.No.1837/1977, on the file of the Sub Registrar, Vilathikulam, on 31.10.1977. The grievance of the petitioner is that on 30.11.2020, the respondents 4 & 5 had illegally trespassed and tried to lay road



in the petitioner's property, without obtaining any permission, either from the petitioner or from the local authority. Even the petitioner has not served with any notice. When the respondents 4 & 5 off-loaded the Jally and soil in the petitioner's property and the same was questioned by the petitioner, they replied that they got permission from the Town Panchayat as well as from the Tahsildar, Vilathikulam and threatened the petitioner stating that if the petitioner objects for laying road, he will be killed and buried in the road itself. Hence, the petitioner submitted a representation to the respondents 1 to 3, the District Collector, Thoothukudi, The Revenue Divisional Office, Kovilpatty, the Assistant Director, Palayamkottai Panchayat, The Tahsildar, the Village Administrative Officer, Vilathikulam, the Executive Officer, Town Panchayat and the District Deputy Surveyor on 01.12.2020. Since no action has been taken, the petitioner is before this Court, with this 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 petitioner's representation has been received and the enquiry is pending.

4.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 to 3. Since no adverse order is going to be passed, notice to the 4 & 5 respondents is dispensed with.

5.Recording the above submission made by the learned Additional Public Prosecutor(Crl.side), without going into the merits of the case, the respondents 1 to 3 are directed to consider and pass orders on the petitioner's representation dated 01.12.2020 after giving opportunity to the respondents 4 & 5, 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 take appropriate action in the manner known to law, within a period of two weeks from the date of receipt of a copy of this order. The respondent police shall keep in mind that the petitioner is a senior citizen, while considering his representation.

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

Sd/-

Assistant Registrar (Crl.Side)

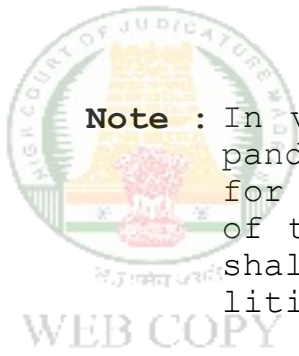
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Sub Assistant Registrar(CS)

vrn

<https://hcservices.ecourts.gov.in/hcservices/>



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,
Thoothukudi District, Thoothukudi.
 2. The Deputy Superintendent of Police,
Vilathikulam, Thoothukudi District.
 3. The Inspector of Police,
Vilathikulam Police Station, Thoothukudi District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s R.Murugan, Advocate, in SR.No.26497 of 2020.

ORDER MADE IN
Crl.O.P. (MD)No.15228 of 2020
DATED : 21.12.2020

(SSS)CO
AP(03/02/2021) 3P 6C