



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P. (MD)No.15394 of 2020

WEB COPY

Annadurai

... Petitioner

Vs.

- 1.State represented by
The Superintendent of Police
Dindigul District
Dindigul
- 2.The Deputy Superintendent of Police
Vedasanthur
Dindigul District
- 3.The Inspector of Police
Vadamadurai Police Station
Dindigul District
- 4.Manickam

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to issue order of direction directing the respondents 1 to 3 to give police protection for life and limb of the petitioner, family members and his property during fencing his land based on the representation dated 08.12.2020.

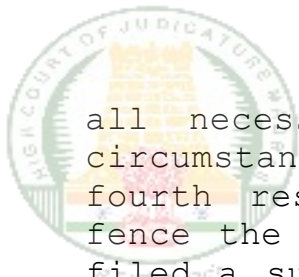
For Petitioner : Mr.S.Muniyandi

For Respondents 1 to 3 : Mr.V.Neelakandan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the respondents 1 to 3 to give police protection for life and limb of the petitioner, family members and his property during fencing his land based on the representation dated 08.12.2020.

2.The learned counsel for the petitioner would submit that the ancestral property in Survey Nos.1142/2, 1142/10, 1143, 1427/1, 1140/2, 1141/2, 1142/9, 1142/12. 1142/14, 1144/1 and 1142/6 is situated at Padiyur Village, Vedasanthur Taluk, Dindigul District and the same was enjoyed by the petitioner along with his family members without any encumbrance and the petitioner remitted



all necessary taxes to the Government in his name. In this circumstance, when the petitioner tried to fence his land, the fourth respondent without having any valid reason objected to fence the land. He further submitted that the fourth respondent filed a suit regarding the pathway and the petitioner not at all objected the pathway and he is only fencing the land because the agricultural land was destroyed by cattle during night hours. When the petitioner is trying to fence his land, the fourth respondent threatened the petitioner with dire consequences. Hence, the petitioner made a representation, dated 08.12.2020 to the third respondent for police protection while fencing his land, but no action was taken by the respondent police. Hence, the present petition.

3.The learned Additional Public Prosecutor appearing for the respondents 1 to 3 would submit that based on the petitioner's complaint, enquiry has been initiated in CSR.No.541 of 2020, dated 12.12.2020 and it is pending. He further submitted that the respondents 1 to 3 will consider and pass orders on the petitioner's representation dated 08.12.2020 within a time frame.

4.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 to 3.

5.Recording the submission made by the learned Additional Public Prosecutor, without adverting to the merits of the case, respondents 1 to 3 are directed to consider and pass orders on the petitioner's representation dated 08.12.2020, after giving opportunity to the fourth respondent by following the guidelines laid down by the Hon'ble Apex Court in ***D.K.Basu Vs. State of West Bengal reported in AIR (1997) SC 610***. 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 direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (RECORDS)

// 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
Dindigul District
Dindigul
- 2.The Deputy Superintendent of Police
Vedasanthur
Dindigul District
- 3.The Inspector of Police
Vadamadurai Police Station
Dindigul District
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.[MD]No.15394 of 2020
22.12.2020

KM (18.01.2021) 3P 5C