



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.15390 of 2020

1.Dhanaseelan P.Rayen
2.Mourin Fernando

... Petitioners

-Vs-

1. The Superintendent of Police
Thoothukudi District
Thoothukudi
2. The Additional Superintendent of Police
Tiruchendur Range
Tiruchendur
Thoothukudi District
3. The Inspector of Police
Tiruchendur Taluk Police Station
Tiruchendur
Thoothukudi District
4. The Head Surveyor
Survey Department
Tiruchendur Taluk Office
Tiruchendur
Thoothukudi District
5. The Village Administrative Officer
Veerapandianpattinam Village Panchayat
Tiruchendur Taluk
Thoothukudi District

6.Rexton Fernando
7.Jenson Fernando

... Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to direct the respondents 1 to 3 to grant adequate 'Police Protection' to conduct the land survey in the property in Survey No.113/7, 113/6, 113/2GIA with the Head Surveyor, Tiruchendur Taluk, Thoothukudi District on the basis of the online complaint in No.HDT20102928 dated 12.09.2020.



For Petitioners : Mr.P.M.Vishnuvarthanan
For R1 to R5 : Mr.V.Neelakandan
Additional Public Prosecutor

O R D E R

WEB COPY

This Criminal Original Petition has been filed to direct the respondents 1 to 3 to grant adequate 'Police Protection' to conduct the land survey in the property in Survey No.113/7, 113/6, 113/2GIA with the Head Surveyor, Tiruchendur Taluk, Thoothukudi District on the basis of the online complaint in No.HDT20102928 dated 12.09.2020.

2.The learned counsel appearing for the petitioners would submit that the petitioners alone are enjoying the property in question with peaceful possession and enjoyment without any issue whatsoever. In this circumstance, the 6th respondent is trying to trespass into the petitioners' property without any title over the property. He further submitted that the 6th respondent lodged a complaint before the respondent police, based on that, a case in Crime No.485 of 2020 was registered for the offence under Sections 294(b) and 427 I.P.C as if the petitioners attempting to assault him while constructing the fence. Thereafter, the said FIR was also closed as " Mistake of Fact". In this regard, the petitioners made several representations to the respondent police as well as the Revenue Department. On 12.09.2020 they made online complaint to the respondents/police, but no action was taken. Hence, the present petition.

3.The learned Additional Public Prosecutor appearing for the respondents 1 to 5, on instructions, would submit that it is a property dispute. Based on the petitioners' complaint, enquiry has been initiated in C.S.R.No.792 of 2020 dated 17.09.2020 and it is pending.

4.Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondents 1 to 5. Since no adverse order is going to be passed against the respondents 6 and 7, notice to them is not necessary.

5.Considering the facts and circumstances of the case, the petitioners are at liberty to approach the Revenue Authority and give proper application for surveying their land by paying appropriate fee and thereafter, request for police protection, if necessary and if the petitioners give such representation for police protection for surveying the land, the respondents/police shall give opportunity to the respondents 6 and 7 and provide police protection, if necessary.



6.With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa

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 Additional Superintendent of Police
Tiruchendur Range, Tiruchendur
Thoothukudi District.
3. The Inspector of Police
Tiruchendur Taluk Police Station
Tiruchendur, Thoothukudi District
4. The Head Surveyor, Survey Department
Tiruchendur Taluk Office
Tiruchendur, Thoothukudi District
5. The Village Administrative Officer
Veerapandianpattinam Village Panchayat
Tiruchendur Taluk, Thoothukudi District
6. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

+1cc to Mr.P.M.Vishnuvarthanan, Advocate, SR.No.27014.

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PV(CO)

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