



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.03.2020

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.(MD)No.17793 of 2016

Raja Mohamed

... Petitioner

..VS..

1. The Superintendent of Police
Madurai District, Madurai

2. The Inspector of Police
Karupayurani Police Station
Madurai District

3.Rajamani

4.Gunasekaran

5.Muniyasamy

... Respondents

PRAYER: Criminal Petition filed under Section 482 of Cr.P.C., to direct the 2nd respondent to provide necessary police protection to the petitioner to put up fresh barbed wire fence in S.No.68/1-D2, 68/1-D3 Karseri Village, Madurai East, Madurai District on the basis of the petitioner s representation dated 13.07.2016.

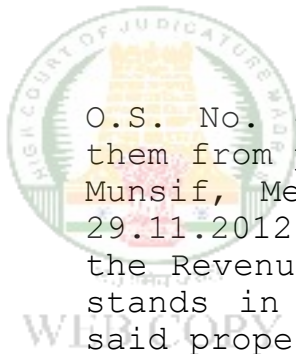
For Petitioner : Mr.S. Kameswaran

For Respondents : Mr.C.Chandrasekar
No.1 & 2 Additional Public Prosecutor

ORDER

This petition has been filed to direct the 2nd respondent to provide necessary police protection to the petitioner to put up fresh barbed wire fence in S.No.68/1-D2, 68/1-D3 Karseri Village, Madurai East, Madurai District on the basis of the petitioner s representation dated 13.07.2016.

2. The petitioner herein claiming to be the owner of the property in Survey Nos. 68/1-D2, 68/1-D3 Karseri Village, Madurai East, Madurai District alleging that the respondents 3 to 5 are trying to disturb the possession by trespassing has filed a suit in



O.S. No. 454 of 2012 against the respondents 3 to 5 restraining them from peaceful possession and enjoyment and the learned District Munsif, Melur has granted interim injunction in their favour on 29.11.2012. While so, the third respondent filed petition before the Revenue Divisional Officer, Madurai to cancel the patta which stands in the name of the petitioner's mother in respect of the said property and the same was dismissed on 19.01.2015. Further the appeal filed the third respondent before the District Revenue Officer, Madurai was also dismissed on 23.05.2016. In spite of interim injunction as well as perfect title and patta in the name of the petitioner's mother the respondents 3 to 5 are threatening the petitioner and his family members their peaceful possession and enjoyment of the property. Hence, on 13.07.2019 he gave representation to the police provide protection to put up barbed fence to the property, but the second respondent has not taken any action on the petition. Hence the present petition is filed under Section 482 of Cr.P.C to direct the second respondent to provide necessary police protection to put up barbed fence in his land.

3. The learned Additional Public Prosecutor would submit that presently the said suit filed by the petitioner's mother has been allowed. Due to the pendency of the civil Suit the police has instructed the parties to work out remedy before the Civil Court and now having decree in favour of the petitioner if appropriate application is made by the petitioner, the same will be considered in accordance with law and adequate protection will be given if necessary.

4. Recording the undertaking given by the learned Additional Public Prosecutor, this Criminal Original Petition stands closed.

Sd/-

Assistant Registrar (Crl side)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

aav

To

1. The Superintendent of Police
Madurai District, Madurai

2. The Inspector of Police
Karupayurani Police Station
Madurai District



3. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.S.KAMESHWARAN, Advocate (SR-12570[F] dated 19/03/2020)

WEB COPY

CrI.O.P.(MD)No.17793 of 2016

19.03.2020

PU(06/05/2020) 3P 5C