



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction
Thursday, the Twelfth day of March Two Thousand and Twenty
PRESENT

The Hon`ble Mr. Justice G.R. SWAMINATHAN
CRL MP (MD). No. 10687 of 2019
in
CRL OP (MD). No. 13996 of 2019

J. Dhanabalan

... Petitioner

Vs

1 The Superintendent of Police,
Sivagangai Dist, Sivagangai.

2 The Deputy Superintendent Of Police,
Thirupathur, Sivagangai District

3 The Inspector of Police,
Thirukoshtiyoor Police Station,
Thirukoshtiyoor,
Thirupathur Taluk
Sivagangai Dist

4 Karupaiya

... Respondents

Prayer :-

This Civil Miscellaneous Petition is filed under Section 482 Cr.P.C to recall the order of this Honourable High Court order dated 15.10.2019 in Crl. O. P. (MD) No. 13996/2019 and to hear the same afresh on its own merits

Prayer in CRL OP (MD). 13996/ 2019 :

This Civil Original Petition filed under section 482 of Crl.P.C. to direct the Respondents herein to give police protection to the Petitioner at the time of closing his fish farming pond in Survey No. 214/4 of Melayanpattil Village and pass such further or other orders as this Honourable Court.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.S.Balamurugan, Advocate for the Petitioner and of Mr.A.Robinson, Government Advocate (Crl.side) for the respondent Nos.1 to 3 and of Mr.Aruputharaj, Advocate for the fourth respondent, this Court made the following order:

The petitioner herein filed Crl.O.P.(MD)No.13996 of 2019 seeking police protection for doing his fish farming in the petition mentioned land. The said criminal original petition was dismissed on 15.10.2019 in the following terms:

"At this stage, police protection cannot be provided to the petitioner. Hence, the Criminal Original Petition stands dismissed. However, the petitioner is directed to appear before the concerned Revenue Divisional Officer for enquiry in the proceedings initiated by the Revenue Divisional Officer,



Sivagangai."

To recall this order, this miscellaneous petition has been filed.

2.The petitioner's counsel states that this Court had directed the petitioner to appear before the Revenue Divisional Officer for enquiry in the proceedings initiated by the Revenue Divisional Officer. But when appeared, he came to know that no petition is pending before the Revenue Divisional Officer, Sivagangai in this regard. This cannot be a ground for recalling the order. If no proceeding is pending before the Revenue Divisional Officer, the petitioner needs not appear. Beyond this clarification, there is scope for recalling the order earlier passed. The petitioner claims that he is the owner of the property in question. If that be so, it is for him to file a suit for injunction and get relief before the Jurisdictional Civil Court. As rightly held by my predecessor, no relief can be granted in a petition filed under Section 482 of Cr.P.C.

3.With these observations, this criminal miscellaneous petition is dismissed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

1. The Superintendent of Police,
Sivagangai Dist., Sivagangai.
2. The Deputy Superintendent Of Police,
Thirupathur, Sivagangai District
3. The Inspector of Police,
Thirukoshtiyoor Police Station,
Thirukoshtiyoor, Thirupathur Taluk
Sivagangai Dist.
4. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 12/03/2020

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ORDER

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CRL MP(MD). No.10687 of 2019
in

CRL OP(MD) No.13966 of 2019
Giving direction and etc.

as stated within.