



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2020

CORAM:

THE HONOURABLE **MR. JUSTICE A.D. JAGADISH CHANDIRA**
Crl.O.P. (MD) No.17845 of 2019

WEB COPY

Krishnasamy

: Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Alangulam,
Tenkasi District.

3.The Inspector of Police,
V.K.Pudur Police Station,
Tenkasi District.

4.Masanam

5.Sudalaimuthu

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondents to direct the second and third respondents to provide adequate police protection to the petitioner for fencing his property situated in S.No.15/2D, Rajagopalaperi Village, Veerakeralampudur Taluk, Tenkasi District, on the basis of the petitioner's representation dated 11.11.2019.

For Petitioner

: Mr.B.Anandan

For R1 to R3

: Mr.S.Chandrasekar,
Additional Public Prosecutor

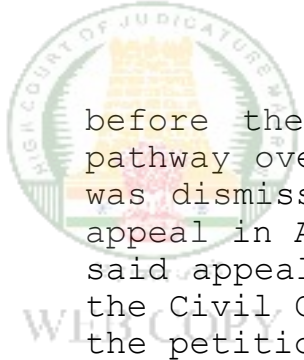
For R4 & R5

: Mr.M.Suresh

ORDER

The petitioner seeks for a direction to the second and third respondents to provide adequate police protection to the petitioner for fencing his property situated in S.No.15/2D, Rajagopalaperi Village, Veerakeralampudur Taluk, Tenkasi District, on the basis of the petitioner's representation dated 11.11.2019.

2.The learned counsel for the petitioner would submit the petitioner is a resident of Veerakeralampudur and the respondents 4 and 5, who are the adjacent owners, claimed pathway through the petitioner's property and they have also filed O.S.No.233 of 2013



before the Additional District Munsif, Tenkasi claiming right of pathway over the petitioner's property. After trial, the said suit was dismissed. Against which, the respondents 4 and 5 preferred an appeal in A.S.No.115 of 2017 before Subordinate Judge, Tenkasi. The said appeal was also dismissed on 22.08.2019. Despite the order by the Civil Court, the respondents 4 and 5 are continuously disturbing the petitioner and thereby, the petitioner has sent a representation on 11.11.2019 seeking for police protection. Since no action has been taken so far, the present petition has been filed.

3.The learned Additional Public Prosecutor appearing for the respondents 1 to 3 would submit that in respect of the dispute with regard to the property, two complaints have been received by the respondent police, one from the petitioner and another one from the 4th respondent. The complaint of the petitioner was taken up in C.S.R.No.388/2019 and the complaint of the 4th respondent was taken up in C.S.R.No.358 of 2019. Both the complaints were enquired and both the parties have agreed to approach the concerned civil Court.

(*) "The parties are at liberty to approach the concerned civil court for enforcing their rights".

4.Recording the same, this Criminal Original Petition is closed.

Sd/

Assistant Registrar(CS II)

**(*)AMENDED AS PER ORDER OF THIS
HONOURABLE COURT DATED 17.02.2020**

/True Copy/

Sub Assistant Registrar

skn

To

TO BE SUBSTITUTED THE ORDER ALREADY DESPATCHED ON 07.02.2020

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

2.The Deputy Superintendent of Police,
Alangulam,
Tenkasi District.

3.The Inspector of Police,
V.K.Pudur Police Station,
Tenkasi District.

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

- lcc to Mr.M.SURESH ,Advocate, SR No.6831
- + lcc to Mr. B.ANANDAN,Advocate, SR No.6727