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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.4342 of 2018

P.Karthi

... Petitioner

Vs.

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

2.The Inspector of Police
Namakkal Police Station,
Namakkal District.

3.Ramesh

4.Sreerangan

5.Gomathi

6.Ezhilarasi

7.Nallammal

... Respondents

Prayer:

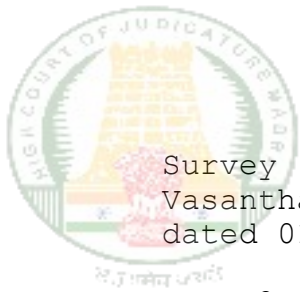
Petition filed under Section 482 of Cr.P.C., seeking to direct the second respondent to provide police protection, to put up the iron fencing to the petitioner based on the complaint dated 01.02.2018 in respect of the property comprised in Survey No.391A, 391B2, 391C2, 402B, 402D2 and 41/2 situate at Vasanthapuram Village, Namakkal District totally to an extent of 2 acre and 60 cents forthwith.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.C.E.Pratap for R1 and R2
Government Advocate (Crl.Side)
Mr.N.Ponraj for R6

O R D E R

This petition has been filed seeking direction to the second respondent to provide police protection to the petitioner, to put up iron fencing in respect of the property comprised in



Survey Nos.391A, 391B2, 391C2, 402B, 402D2 and 41/2 situate at Vasanthapuram Village, Namakkal District, based on the complaint dated 01.02.2018.

2.The learned counsel appearing for the petitioner submitted that the petitioner is owning agricultural lands comprised in Survey Nos.391A, 391B2, 391C2, 402B, 402D2 and 41/2 situate at Vasanthapuram Village, Namakkal District totally to an extent of 2 acre and 60 cents. The revenue records also stands in the name of the petitioner and he is also paying necessary tax to the Authorities and is carrying on cultivation in the said properties.

3.The learned counsel appearing for the petitioner further submitted that on 03.09.2017 during night hours, the private respondents herein joined together and damaged the iron fencing erected by the petitioner in his lands using a tanker lorry. Hence, the petitioner lodged a complaint before the second respondent on 07.09.2017 and the same was registered in CSR No.398 of 2017. Even thereafter, the private respondents are giving pinpricks to the petitioner without any iota of right on the properties. Hence, the petitioner has filed this petition.

4.The learned Government Advocate (Crl.Side) submitted that the matter has to be agitated before the competent civil forum and not before this Court.

5.The petitioner claims that he is owning agricultural lands comprised in Survey Nos.391A, 391B2, 391C2, 402B, 402D2 and 41/2 situate at Vasanthapuram Village, Namakkal District totally to an extent of 2 acre and 60 cents and that on 03.09.2017 during night hours, the private respondents herein joined together and damaged the iron fencing erected by the petitioner in his lands using a tanker lorry. These are disputed question of facts that has to be raised before the competent civil forum.

6.In view of the above, this Court is not inclined to grant the relief sought for in this petition. Hence, this criminal original petition is dismissed. However, liberty is granted to the petitioner to work out the remedy in the manner known to law.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar



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To

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- 1.The Superintendent of Police,
Namakkal District,
Namakkal.
- 2.The Inspector of Police
Namakkal Police Station,
Namakkal District.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1cc to M/s.C.Prabakaran, Advocate Sr.29312

Crl.O.P.No.4342 of 2018

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srg 19/07/2021