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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P No.11635 of 2021

Mageswari  
W/o.Subramaniam

... Petitioner

Vs.

State by

1. The Superintendent of Police  
Tiruppur District, Tiruppur

2. The Inspector of Police  
Kangayam Police Station  
Kangayam, Tiruppur District

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Code of Criminal Procedure to issue directions, directing the respondents to give adequate police protection for one day for erecting the fencing in the Petitioner's Patta Land situated in S.Nos.598/2 and 601/1B, Paranchervazhi Village, Kangayam Taluk, Tiruppur District.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.A.Damodaran  
Government Advocate (Crl. Side)

ORDER

(This case has been heard through video conference)

This Criminal Original Petition has been filed seeking for a direction, directing the respondents to give adequate police protection to the petitioner for only one day to erect fencing in the Petitioner's Patta Land situated in S.Nos.598/2 and 601/1B, Paranchervazhi Village, Kangayam Taluk, Tiruppur District.



2.The petitioner had lodged a complaint before the 1<sup>st</sup> respondent police on 11.08.2020 seeking adequate police protection for erecting fencing in the Petitioner's Patta Land situated in Survey Nos.598/2 and 601/1B, Paranchervazhi Village, Kangayam Taluk, Tiruppur District. The 1<sup>st</sup> and 2<sup>nd</sup> respondent on receipt of the same, have not considered the same. Therefore, the petitioner was unable to put up a fencing to protect her crops from the cattle. Thereafter, the petitioner preferred a suit in O.S.No.96 of 2020, which was pending on the file of the District Munsif Court, Kangayam. Thereafter, the petitioner had approached this Court by filing a petition in Crl.O.P.No.14180 of 2020 seeking for a police protection to erect fencing. This Court vide order dated 11.09.2020 had rejected the petition on the ground that civil dispute was pending before the Civil Court.

3.Learned counsel for the petitioner would submit that O.S.No.96 of 2020 had been decreed in favour of the petitioner vide order dated 10.03.2021 by the District Munsif Court, Kangayam, whereby the petitioner was granted permanent injunction, restraining the counter parties from disturbing the petitioner's peaceful possession and enjoyment and against that order in O.S.No.96 of 2020, there was no appeal. Further, the learned counsel placed reliance on the judgment of this Court in the case of Radhika Sri Hari & another vs. The Commissioner of Police, Coimbatore City, Coimbatore & another reported in 2014 2 LW 927, wherein this Court was dealing with similar set of facts and after referring to the relevant Government Order, had held that in such cases the police protection has to be given in order to enable the owner of the property to secure his property.

4.In the result, this Criminal Original Petition stands allowed as prayed for.

Sd/-  
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To.

1. The District Munsif, Kangayam
2. The Superintendent of Police,  
Tiruppur District,  
Tiruppur
3. The Inspector of Police,  
Kangayam Police Station,  
Kangayam, Tiruppur District
4. The Public Prosecutor  
High Court of Madras  
Chennai 600 104

Crl.O.P No.11635 of 2021

SKY (CO)  
K.RK. (06.08.2021)