



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.12071 of 2021

P.C.Muniappan

...Petitioner

Versus

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

2.The Inspector of Police,
Karimangalam Police Station,
Dharmapuri District.

3.Duraiaraj

4.Mallika

5.Kokila

6.Raman

7.Lakshmana

8.Kamatchi

9.Munivel

10.Deepa

...Respondents

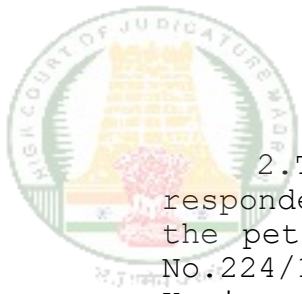
PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to provide police protection to the petitioner to construct a house in his property in S.No.224/3A in Anumanthapuram Village, Ballenahalli, Karimangalam Taluk, Dharmapuri District by considering the petitioner's petition dated 21.04.2021.

For Petitioner : Mr.J.Bharathi Raja

For R1 & R2 : Mr.A.Damodaran,
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to direct the respondents 1 and 2 to provide Police protection to the petitioner to construct a house in his property in S.No.224/3A in Anumanthapuram Village, Ballenahalli, Karimangalam Taluk, Dharmapuri District by considering representation dated 21.04.2021.



2.The learned counsel for the petitioners submitted that the respondents 3 to 10 are creating disturbance and not allowing the petitioner to put up construction in his property in survey No.224/10 in Anumanthapuram Village, Ballenahalli Taluk, Karimangalam Taluk, Dharmapuri District. He further submitted that the petitioner's family owned a piece of land in his village in survey No.224/3A. When he attempted to start construction works, the respondents 3 to 10 prevented the petitioner from starting the construction works. Though the property is a separate property of the petitioner purchased after the partition took place between the petitioner and his brothers, who born to the 2nd wife of the petitioner's father, they are still troubling the petitioner by claiming right over the property in survey No.224/3A. Hence, he prayed for Police protection.

3.The learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2 submitted that it is a dispute among the family members on the ancestral property. The petitioner and the respondents 3 to 10 are brothers and sisters. The family property devolved to them from common ancestors. Already a suit is filed by the respondents 3 to 10 in O.S.No.24 of 2021 and the same is pending before the learned Subordinate Judge, Palacode. He further submitted that there is no order of the civil Court to give Police protection, the petitioner to approach the civil Court for getting an order for Police protection.

4.Considering the rival submissions, it is seen that it is a civil dispute pending between the petitioner and the respondents 3 to 10 with regard to the ancestral property. While being so, the petitioner is to approach the civil Court and not before this Court.

5.In view of the above, this Court is not inclined to give Police protection to the petitioner and this Criminal Original Petition is dismissed.

s/d-
Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

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To

1. The Superintendent of Police,
Dharmapuri District,
Dharmapuri.
2. The Inspector of Police,
Karimangalam Police Station,
Dharmapuri District.
3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.12071 of 2021

PL(CO)
SP(02/09/2021)