

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Cr1.O.P. No.16408 of 2020

S.Alagirisamy

..Petitioner

.vs.

1. The Superintendent of Police,
Coimbatore Rural District,
State Bank Road, Coimbatore -18.

2. The State represented by
The Inspector of Police,
Periyanaicken Palayam Police
Station, Coimbatore District.

3. Krishnamurthy

..Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent to give police protection to measure the land situated in S.F.No.912, corresponding patta number 1875 at Gudalur Village, Coimbatore District.

For Petitioner : Mr.B.Kumarasamy

For Respondents: Mr.M.Mohamed Riyaz,

Addl. Public Prosecutor -R1 & R2

ORDER

This petition has been filed for a direction to the 2nd respondent to grant police protection in order to conduct the survey in the subject property based on the complaint given by the petitioner on 14.09.2020.

2. It is seen from records that the petitioner had filed a suit in O.S.No.1656 of 2010 against the 3rd respondent and 4 others to declare certain documents as null and void. The suit was decreed through judgment and decree dated 18.12.2015 in favour of the petitioner. The petitioner wanted to survey the property through the Revenue Department and to lay the boundary stones. When the survey was conducted, the 3rd respondent seems to have caused disturbance. Therefore, a complaint was given seeking for police protection while

surveying the lands. Since the same was not considered, the present petition has been filed before this Court seeking for appropriate directions.

3. Heard Mr.B.Kumarasamy, learned counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Addl. Public Prosecutor appearing for the respondents 1 and 2.

4. The notice sent to the 3rd respondent has been returned with an endorsement 'addressee left'.

5. Taking into consideration the facts and circumstances of the case and also of the fact that there is already a civil court decree in favour of the petitioner and the petitioner only wants to get the property surveyed through the Revenue Department for laying the boundary stones, there shall be a direction to the 2nd respondent to consider the request for police protection at the time of conducting the survey in the subject property and the petitioner shall also pay the necessary charges for providing police protection. The petitioner is directed to make a fresh representation to the 2nd respondent along with a copy of this order.

6.This Criminal Original Petition is disposed of with the above directions.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police,
Coimbatore Rural District,
State Bank Road,Coimbatore -18.
2. The Inspector of Police,
Periyanaicken Palayam Police
Station, Coimbatore District.
3. The Public Prosecutor, High Court of Madras.

+1cc to Mr.B.Kumarasamy, Advocate, S.R.No. 559

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