



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.15239 of 2021

Bama Balaji

.. Petitioner

Vs

The State Rep by its:

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

2.The Inspector of Police,
Kaviripatinam Police Station
Krishnagiri District.

3.V.Shanmugam

4.Thamilmani

.. Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent police to give protection to the petitioner's property situated survey No.59 and 60/1, Errahalli Village, Kaverpattinam Taluk, Krishnagiri District for fencing and to the petitioner's life and limb.

For Petitioner : Mr.J.Daniel

For Respondent : Mr.A.Damodaran

Nos.1 & 2

Additional Public Prosecutor

ORDER

This criminal original petition has been filed to direct the 2nd respondent police to give protection to the petitioner's property situated survey No.59 and 60/1, Errahalli Village, Kaverpattinam Taluk, Krishnagiri District for fencing and to the petitioner's life and limb.



2.The petitioner, who is the Managing Trustee of Puravipalayam Sri La Sri Ponmudi Kodiswamigal Charitable Trust, had purchased the property out of her own income and thereafter, the trust involved in various activities for the welfare of downtrodden in the society.

3.The petitioner was originally associated with a concern named "M/s. Sam International" having office at No.14, Jaffar Sarang Street, Chennai - 600 001, which is a partnership firm, in which, the petitioner and one Shanmugam were partners. The partnership deed was registered as document No.189 of 2006. The partnership firm was carrying on exports of granites and other articles. The petitioner resigned from the partnership due to religious activities and re-constitution of the deed was made on 19.09.2012 with Thamilmani wife of Shanmugam as partner. The petitioner out of an extent of 15.19 acres of Nanjai and Punjai lands in Kaverpattinam, purchased a portion to an extent of 3.58 acres in Errahalli Village from the erstwhile partner viz., Shanmugam under the document No.1027 of 2008. Later patta obtained in the name of the petitioner the petitioner has nothing to do with the partnership deed or business, after her resignation. The petitioner visits her property on occasions, the petitioner attempted to put up fence, which was prevented by the adjacent land owner viz., Shanmugam. Further, she was also threatened. Hence, lodged a complaint, CSR assigned but no action taken. Thereafter, the said Shanmugam, started making claim over the property, that it belongs to the partnership firm. Later, the petitioner filed a civil suit in O.S.No.11 of 2016 and Shanmugam filed another suit in O.S.No.193 of 2017, both the cases, common judgment was passed, the civil Court declared that the petitioner is the absolute owner of survey Nos.59 and 60/1 and restrained Shanmugam not to enter into the property of the petitioners disturb her peaceful possession and enjoyment. The petitioner obtained orders in her favour, the Thasildhar in proceeding No.Na.Ka.2842 of 2019 issued notice for inspection of the property to the petitioner and the adjacent land owners, who objected for the same. Now, the petitioner's right over the property declared by the civil Court and she approached the revenue authorities to survey and to earmark the boundaries of the property. The revenue authorities, after perusal of the revenue records, directed the petitioner to remit the fee for survey and the fee receipt also produced before this Court.



4.The learned Additional Public Prosecutor submits that there is no complaint from the revenue official, about any obstruction of their official duty and sought any police protection. If such request is made, the police would provide security.

5.In view of the same, the petitioner is directed to produce the requisition to the revenue officials and the revenue official shall pass orders if required directing the petitioner to pay the survey fees and fix the date for the surveyor to survey the land, ear mark the boundaries along with the revenue officials, the respondent police to provide protection to the petitioner and officials to discharge their official duty. In case of any obstruction, the respondent police to take coercive action against the obstructors and offenders.

With the above, the criminal original petition is disposed of.

Sd/-
Assistant Registrar (CS-VII)

// True Copy //

Sub Assistant Registrar

sms/nr

To

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

2.The Inspector of Police,
Kaviripatinam Police Station
Krishnagiri District.

3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.15239 of 2021

AD(CO)
B.VC (08/11/2021)