

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.16391 of 2021

K.Duraisamy

...Petitioner

Vs.

1. The Superintendent of Police  
Tiruppur  
Tiruppur Distirct.

2. The Inspector of Police  
Kangeyam Police Station  
Kangeyam  
Tiruppur District.

3. Govindasamy

4. Palanisamy

5. Senthil @ Balamurugan

6. Ranjithkumar

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents 1 and 2 to provide police protection to the petitioner and for fencing his agriculture land in S.No.163/3 to the extent of 4.53 acres situated at Keelankattu Valasu, Mullipuram, Nathakaadiyur Via, Kangeyam, Tiruppur District on the complaint made by the petitioner dated 11.08.2021.

For Petitioner : Mr.S.Doraiswamy

For Respondents : Mr.R.Vinoth Raja for R1 & R2  
Government Advocate (Crl.Side)

ORDER

This petition has been filed to direct the respondents 1 and 2 to provide police protection to the petitioner and for fencing his agriculture land in S.No.163/3 to the extent of 4.53 acres situated at Keelankattu Valasu, Mullipuram, Nathakaadiyur

Via, Kangeyam, Tiruppur District based on the complaint made by the petitioner dated 11.08.2021.

2. The petitioner has filed this petition seeking police protection for himself and also for fencing his agricultural land in S.No.163/3 to the extent of 4.53 acres situated at Keelankattu Valasu, Mullipuram, Nathakaadaiyur, via., Kangeyam, Tiruppur District. In this regard, he sent a representation on 11.08.2021, but no action has been taken so far. The petitioner's son D.Mahesh also had earlier lodged a complaint on 10.08.2021. Though First Information Report came to be registered under Sections 294(b), 323 and 506(i) IPC, thereafter, no action has been taken so far.

3. The contention of the petitioner is that the respondents 3 to 6 are obstructing the petitioner from fencing his land. The Thasildar surveyed the land in March, 2020 and earmarked the boundaries. Thereafter, when the petitioner attempted to put up fence on his land, the private respondents without any right obstructing the same.

4. The learned Government Advocate (Crl.Side) has submitted that the respondents 3 to 6 herein as plaintiff has filed a suit in O.S.No.121 of 2021 before the District Munsif Court, Kangeyam. Though earlier the Thasildar had conducted survey and earmarked the boundaries in March, 2020, the private respondent produced certain documents disputing a portion of the land. Hence, in order to get declaration they have filed the civil suit, which is pending before the District Munsif, Kangeyam Court. Since the the issue is now pending before the civil Court, it would be appropriate that the petitioner may approach the Civil Court and get orders and thereafter, approach the concerned authorities. Further, in a matter involving civil dispute, the police cannot involve.

5. Considering the same, it is seen that it is a boundary dispute between the petitioner and his neighbors and hence, the petitioner is directed to approach the Civil Court to enforce his rights.

6. With the above observation and direction, this Criminal Original Petition is disposed of.

Sd/-  
Assistant Registrar

True Copy//

Sub Assistant Registrar

dna

To

1. The District Munsif,  
Kangeyam.
2. The Superintendent of Police  
Tiruppur  
Tiruppur Distirct.
3. The Inspector of Police  
Kangeyam Police Station  
Kangeyam  
Tiruppur District.
4. The Public Prosecutor  
High Court, Madras.

+1 cc to M/s.S.Doraiswamy, Advocate Sr.No.49144

CRL.O.P.No.16391 of 2021

PVS[co]  
NSK 11/10/2021