



WEB COPY

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.17076 OF 2021

S.J.Nickolas

... Petitioner

.Vs.

1. The Superintendent of Police,
Chengalpat,
Chengalpat District.
2. The Deputy Superintendent of Police,
Maduranthagam,
Maduranthagam District.
3. The Inspector of Police,
Maduranthagam,
Maduranthagam.

... Respondents

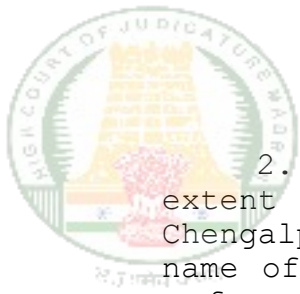
PRAYER:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the third respondent to give police protection to the petitioner and erect barbed wire fence in the property situated in S.No.651/9B to an extent of 0.04.5 cents at Kinaar - "Village" Maduranthagam Taluk, Chengalpat District, in pursuant to the petitioner's representation dated 27.08.2021.

For Petitioner : Mr.A.Vimal Raj

For Respondents : Mr.R.Vinoth Raja
Government Advocate (Crl.Side)

ORDER

This petition has been filed to direct the third respondent to give police protection to the petitioner to erect barbed wire fence in the property situated in S.No.651/9B to an extent of 0.04.5 cents at Kinaar Village, Maduranthagam Taluk, Chengalpat District, in pursuant to the petitioner's representation dated 27.08.2021.



2. The petitioner purchased a property in S.No.651/9B to an extent of 0.04.5 cents in Kinaar Village, Maduranthagam Taluk, Chengalpatu District and the revenue records were changed in the name of the petitioner. When the petitioner attempted to put up a fence in the said property, due to previous enmity, the same was objected by one Chittibabu @ Peter Alexander stating that it is a common pathway.

3. The learned Government Advocate (Crl.Side) has submitted that the petitioner sent the complaint by post without any accompanying document. Thereafter, the petitioner as well as the counter objector viz., Chittibabu @ Peter Alexander were called for enquiry and they were advised to approach the Revenue authority or Revenue Court to enforce their right as per the revenue records. Now, a civil suit is pending for the same in O.S.No.58 of 2021 before the District Munsif, Maduranthagam. Further, in a civil dispute, the respondent Police cannot interfere.

4. In view of the same, the petitioner is directed to approach the Revenue Authority or Civil Court to declare his right and thereafter enforce the same.

5. With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

dna

To

1. The District Munsif,
Maduranthagam.
2. The Superintendent of Police,
Chengalpat,
Chengalpat District.
3. The Deputy Superintendent of Police,
Maduranthagam,
Maduranthagam District.



4. The Inspector of Police,
Maduranthagam,
Maduranthagam.

5. The Public Prosecutor,
High Court, Madras.

CRL.O.P.NO.17076 OF 2021

GJ(CO)
PBS/11/10/2021