



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.20651 of 2020

Mrs.Aruna

... Petitioner/Defacto Complainant

Versus

1.State Rep.by

The Sub Inspector of Police,
Mathagiri Police Station,
Krishnagiri District.

...Respondent

2.P.Muniraj

3.P.Nagaraj

4.P.Muni Ellappa

5.P.Srinivasan

(2 to 5 sons of Mr.P.Pappiah @ Centry pappiah)

6.P.Muniraj

S/o.M.Siva

... Respondents/Accused 2 to 6

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent/police to provide police protection to the petitioner for measuring the land and lay fence in her property based on the complaint dated 29.10.2020.

For Petitioner : Mr.R.Gopinath

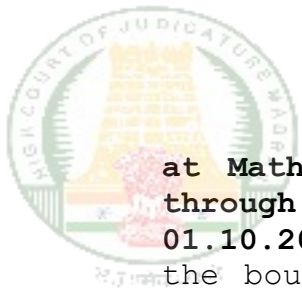
For Respondents: Mr.S.Vinothkumar, (for R1)
for Public Prosecutor (Crl.side)

: Mr. P.M.Jayachandran (for R2 to R5)

ORDER

This petition filed seeking a direction to direct the first respondent police to provide police protection to the petitioner for measuring the land and lay fence in her property, based on her complaint dated 29.10.2020.

***2.The contention of the Petitioner is that the Petitioner had purchased the property to the extent of 33.50 & 16.5 cents**



at Mathigiri Village in Survey Nos.720/2B, 721/1F of 50 cents through a registered sale deed in Document No. 3129/2009, dated 01.10.2009. For surveying the property and fixing and earmarking the boundaries of the land, the petitioner had gone along with her father/Venkatarama Reddy, mother/Suseelammal, husband/Sridhar Reddy and her brother-in-law Jayapal Reddy. At that time, one Kumar, the adjacent land owner along with Pappiah @ Centry Pappiah, his sons viz., Muniraj, Nagaraj, Muni Ellappa and Muniraj, S/o.Siva have jointly attacked the petitioner and her family members. Further, they have lodged a false complaint in Crime No.2 of 2012. After completion of investigation, charge sheet was filed and the same was taken on file in S.C.No.79 of 2013, for the offence under Section 147, 341, 323 & 324 of IPC., by the file the learned Principal District Judge, Krishnagiri. After trial, by judgment dated 02.02.2015 the petitioner and her family members were acquitted from the case. According to the petitioner, the property stands in the name of the petitioner and she also obtained Patta No.4244. The petitioner had approached the Tahsildar, through Deputy Surveyor to measure the land and earmark the boundaries. On verification of the documents produced by the petitioner, the Tahsildar directed to survey the land. For this purpose, the petitioner also made payment of Rs.1,600/- + Rs.100/- in the Treasury through State Bank of India as early as July and August 2020. Thereafter, the surveyor had come to measure the land and even at that time, the adjacent land owner had come with a knife and iron rods and attempted to assault the petitioner and the surveyor, hence, the land could not be surveyed. Hence, the petitioner has filed this petition.

3.The learned counsel appearing for the respondents 2 to 5 submitted that the respondents 2 to 5 have no objection for surveying the land impartially as per the Patta and revenue records, without affecting the right of the petitioner and the respondents 2 to 5 in any manner.

4.Considering the rival submissions and on perusal of the material records, it is seen that there is no dispute with respect to the ownership and title to the property. The property stands in the name of the petitioner. The revenue records namely Patta is also in the name of the petitioner. The petitioner also paid the charges for surveying the land and the copies of the Challans produced before this Court. After verification of the documents produced by the petitioner, the Revenue Authorities have directed the petitioner to pay the charges for surveying the land. After payment, the land of the petitioner was directed to be surveyed by the Surveyor by the Tahsildar. Despite the order of the Tahsildar and payment of charges by the petitioner, the land could not be surveyed due to the threat made by the adjacent land owners.



5. In view of the same, the first respondent-Police is directed to give police protection to the petitioner, surveyor and other revenue officials, who are public servants, to survey the land. The Surveyor and other revenue officials are directed to survey and earmark the boundaries of the lands of the petitioner as per the revenue records. In case of any threat or obstruction caused by the adjacent land owners, the first respondent police shall issue necessary warning to such obstructor not to take law into their own hands and despite such warning, if any further obstruction is made for surveying the land, an appropriate action to be taken as against the obstructers in the manner known to law.

6. It is also made clear that the respondents 2 to 5 shall submit their objections in writing, if any, to the Surveyor or to the Revenue Officials or to approach the competent Civil Court to work out their remedy without causing any hindrance to the survey of the said land by the revenue officials.

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

Sd/-

Assistant Registrar(CS II)

Dated: 14.07.2021

*** Corrected as per order of this
Court dated 18.08.2021 for
Being Mentioned in CrI.O.P.No.20651/2020
sd/- Assistant Registrar(CS-IV)
Dated: 19.08.2021**

//True Copy//

Sub Assistant Registrar

klr

To

1. The Sub Inspector of Police,
Mathagiri Police Station,
Krishnagiri District.

2. The Public Prosecutor,
High Court, Madras.

To be Substituted to
the order already
despatched on
12.08.2021

+1cc to Mr.R.Gopinath, Advocate Sr.31133

CRL.O.P.No.20651 of 2020

gpl[co]
srg 23/07/2021
SP(19/08/2021)