



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.23781 OF 2021

Jaganathan,
S/o Dharuman,

... Petitioner

Versus

1.The Superintendent of Police,
O/o, The Superintendent of Police,
Chengalpattu,
Chengalpattu dist.

2.The Deputy Superintendent of Police,
O/o, The Deputy Superintendent of Police,
Mamallapuram,
Chengalpattu dist.

3.The Inspector of Police,
Thirukkazhukundram Police Station,
Thirukkazhukundram,
Chengalpattu dist

4.Rajamani,
S/o Murugan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the 3rd respondent to provide Police Protection at that time of surveying Petitioner's land in Survey No. 43/1A2 and 43/3C admeasuring to the extent of 0.15 cents situated in Vilagam Village, Paandur Post, Thirukkazhukundram Taluk Chengalpattu District based on the Petitioner's representation dated 13.11.2021.

For Petitioner : Mr.A.Venkatesan

For R1 to R3 : Mr.E.Raj Thilak
Additional Public Prosecutor



ORDER

This petition has been filed to direct the 3rd respondent to provide the Police Protection at the time of surveying Petitioner's land in Survey No. 43/1A2 and 43/3C admeasuring to the extent of 0.15 cents situated in Vilagam Village, Paandur Post, Thirukkazhukundram Taluk Chengalpattu dist based on the Petitioner's representation dated 13.11.2021.

2.The grievance of the petitioner is that the petitioner has sought for a police protection to survey his land situated in Survey No.43/1A2, and 43/3C admeasuring to an extent of 0.15 cents at Vilagam Village, Paandur Post, Thirukkazhukundram Taluk, Chengalpattu to ascertain boundaries to the land. The petitioner states that he had paid a challan for a sum of Rs.1,600/- towards charges. Thereby, he has sent a representation dated on 13.11.2021 to the 3rd respondent seeking for a police protection. When the surveyor visited the petitioner's land on 07.09.2021 to lay a boundary stone, one Mr.Rajamani, who is the neighbour to the land objected to the same and picked up wordy quarrel with the surveyor, preventing him from carrying out his official work. Hence the petitioner again on 09.09.2021 brought the surveyor for the said purpose on that day also the 4th respondent indulged in a wordy quarrel and tried to assault the surveyor. Once again on 28.10.2021, the surveyor came to the spot but he was stopped by the 4th respondent and he abused the surveyor in filthy language and threatened him with dire consequences, thereby the petitioner had preferred a complaint before the 3rd respondent on 30.10.2021 and C.S.R.No.506 of 2021 has been assigned, but no action was taken. The petitioner also produced all the relevant documents to the Tahisldar of Thirukkazhukundram, and on verification of the same, the petitioner was directed to deposit a challan for the survey work, which has also been acknowledged by the treasury and a copy of the documents are also produced before the 3rd respondent.

3.Learned Additional Public Prosecutor appearing for the respondents submits that there is no complaint from the revenue authorities that the survey work had been obstructed by the 4th respondent. If any complaint or request is being made by the authorities, the 3rd respondent is duty bound to provide police protection to them.

4.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondents.



5. On considering the above statement made by the Additional Public Prosecutor and on a perusal of the documents and also on verification of the same, it is seen that the Tahsildar of Thirukkazhukundram had permitted the petitioner to deposit a sum of Rs.1,600/- to carry out the necessary survey work and the said sum has also been deposited by the petitioner. The 4th respondent who is the neighbor of the property has got no authority to cause any obstruction or hindrance to the survey and stop the revenue officials / public servant to do their official duty.

6. In view of the same, the petitioner is hereby directed to produce the relevant documents along with this order copy to the Tahsildar or to the surveyor or to the revenue authorities who visit the property for the survey work and for marking the boundaries. If the 4th respondent intends to disturb the officials from carrying out their work, the 3rd respondent police to provide necessary protection to the officials and shall initiate appropriate action against the 4th respondent.

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

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

dk

To

1. The Superintendent of Police,
O/o, The Superintendent of Police,
Chengalpattu,
Chengalpattu dist.
2. The Deputy Superintendent of Police,
O/o, The Deputy Superintendent of Police,
Mamallapuram,
Chengalpattu dist.
3. The Inspector of Police,
Thirukkazhukundram Police Station
Thirukkazhukundram,
Chengalpattu dist.



4. The Tahsildar,
Thirukkazhukundram.

5. The Public Prosecutor
High Court of Madras
Chennai 600 104.

+1cc to M/s.A.Venkatesan, Advocate, S.R.No.66985

CRL.O.P.No.23781 of 2021

RLD (CO)
RLP (22/12/2021)