



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

CrI.O.P.(MD)No.4474 of 2021

R.Ilango

... Petitioner

Vs.

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

2.The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.

3.Dr.Sarojini Devi

4.Madhusudhanan

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the respondents 1 & 2 to provide police protection for the petitioner life and limb and his hotel in Door No.3/360-A, Kuthukkal Street, Paramakudi Town, Ramanathapuram District, based on the petitioner's representation dated 17.06.2020.

For Petitioner : Mr.P.Muthusamy

For R1 & R2 : Mr.R.M.Anbunithi

Additional Public Prosecutor

O R D E R

This petition has been filed to direct the respondents 1 & 2 to provide police protection for the petitioner life and limb and his hotel in Door No.3/360-A, Kuthukkal Street, Paramakudi Town, Ramanathapuram District, based on the petitioner's representation dated 17.06.2020.

2. The case of the petitioner is that he was running a hotel in Door No.3/360-A, Kuthukkal Street, Paramakudi Town, Ramanathapuram District. Originally, the said land belongs to one Sundariammal wife of Chellam and the petitioner is a leaseholder of the land. Later, he purchased the above said land on the installment basis. In these circumstances, the third respondent herein approached the petitioner for running a wine shop in the above said petitioner's land. The petitioner also agreed and allotted a portion of the land. The petitioner is also running a bar attached with wine shop. Since the Government decided to close the private wine shop, the third respondent has to vacate the



Further, the third respondent and her husband namely Dr.Sundarrajan, who is an Ex-Minister of Tamilnadu, demolished the hotel and library which is worth about nearly Rs.5,00,000/-. Therefore, a complaint was given by the petitioner before the second respondent Police. Similarly, the fourth respondent has also given a false complaint against the petitioner and the case was registered against the petitioner, the petitioner was also arrested. But the learned Judicial Magistrate refused to remand the petitioner stating that it is purely civil dispute. Even though the complaint given by the fourth respondent has been registered, so far complaint given by the petitioner is not registered due to political power. Few months later, the second respondent Police has registered the case in Crime Nos.210 of 2019 and 211 of 2019 over the complaints given by both the parties. On this ground, he seeks police protection to the hotel business.

3. The third respondent filed the counter affidavit stating that the property mentioned in the petition originally belonged to one Chellam Chettiar and Sundari Ammal and the said property was inherited by their son namely Shanmugam Chettiar through the partition deed dated 24.12.2010. Later, the above said Shanmugam Chettiar executed the gift settlement deed in favour of his two sons namely Jeyaraman and Santhosh Kumar on 24.12.2010.

4. On 15.12.2017, the third respondent purchased the property from the sons of Shanmugam Chettiar through a registered sale deed. At that time, the house property was in a dilapidated condition. Therefore, he engaged one of his relative namely Mathusudhanam for the purpose of constructing a new building. At that time, the petitioner herein and their henchmen attached with the 4th respondent prevented them to stop the demolition work. Therefore, the complaint has been lodged.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent Nos.1 and 2.

6. The learned Additional Public Prosecutor would submit that based on the complaint given by this petitioner, enquiry was undertaken in G2/17003/180/2020 and during the course of enquiry, it was found that it is purely civil dispute. Accordingly, the petitioner and the third respondent were directed to work out their remedy before the Civil Court and the complaint was closed on 26.08.2020.

7. From the arguments advanced by both sides, it is seen that it is a property dispute between the petitioner and the third respondent. They claim rival title over the property. Originally,



the petitioner purchased the property from Sundari Ammal and the third respondent herein claims title over the property through a sale deed dated 15.12.2017 from Jeyaraman and Santhosh Kumar. Moreover, it is seen from the records that based on the complaint given by both sides, a case in Crime Nos.210 of 2019 and 211 of 2019 have been registered against both parties. Even though the petitioner was not remanded to judicial custody by the order of the Magistrate, the fact remains that there is a rival claim over the disputed property. Under these circumstances, providing police protection to the petitioner and the property mentioned in the petition cannot be entertained and considered. The petitioner is at liberty to work out his remedy before the appropriate Civil Court. Hence, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ssb

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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

2.The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.MUTHUSAMY, Advocate (SR-21878[F] dated 09/07/2021)

Order in
CrI.O.P. (MD)No.4474 of 2021

08.07.2021

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