



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.04.2021

CORAM :

THE HONOURABLE **Mr. JUSTICE G.ILANGOVAN**

Crl.O.P.(MD)No.5056 of 2021

Nagaraj

... Petitioner

Vs.

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

2.The Inspector of Police,
Madalamanickam Police Station,
Ramanathapuram District.

3.Chidambaranathan

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents 1 and 2 to provide adequate protection to the petitioner and his property bearing Patta No.595, comprised in Survey No.305/1 situated at Mandamanickam Village, Kamuthi Taluk, Ramanathapuram District from the hands of the third respondent on the basis of the complaint, dated 29.03.2021.

For Petitioner : Mr.C.Senthil Murugan

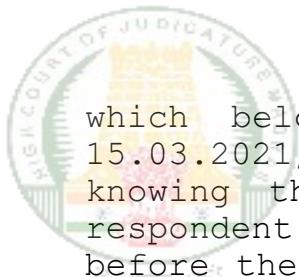
For R1 and R2 : Mr.K.Suyambulinga Bharathi

Government Advocate (Criminal side)

ORDER

This petition is filed seeking a direction to the respondents 1 and 2 to provide adequate protection to the petitioner and his property bearing Patta No.595, comprised in Survey No.305/1 situated at Mandamanickam Village, Kamuthi Taluk, Ramanathapuram District from the hands of the third respondent on the basis of the complaint, dated 29.03.2021.

2.The case of the petitioner is that the petitioner's grandfather, namely, Arumugam Moopanar has possessed some ancestral property measuring 2.5 acres in survey No.305/1 in Madamanickam Village, Mudukalathur Taluk. After the death of his grandfather, the said property devolved upon his legal heirs. During 1980, all the three sons, divided the property through a registered partition deed. In that partition, the father of the petitioner also received share. The co-father, namely Sivanu sold his share, which was located adjacent to the property owned by the father of the petitioner to one Chandran in the year 1998. Later in the year 2002, the said Chandran sold the same to the third respondent. When the third respondent approached the petitioner to sell the property



which belongs to him, the petitioner refused the same. On 15.03.2021, the third respondent trespassed into the property. By knowing the same, the petitioner went and prevented the third respondent. In respect of which, the petitioner gave a complaint before the second respondent. But, the second respondent acted in collusion with the third respondent. Therefore, the petitioner filed the present petition before this Court seeking police protection.

3.Eventhough the matter is listed under the caption for dismissal, the learned counsel for the petitioner is present today and made his submission. According to him, the neighbour, through the property was purchased by his father, is making trouble in respect of which, he has given repeated complaints.

4.According to the learned Government Advocate (Criminal side), enquiry is undertaken in C.S.R.No.26 of 2021 on the basis of the complaint given by the petitioner herein on 01.02.2021. Since the direction of the petitioner to co-operate with the enquiry, the enquiry is under way and the question of providing police protection does not arise.

5.Considering the facts and circumstances of the case, the Criminal Original Petition is disposed of with a direction to the petitioner to co-operate with the enquiry. After enquiring the petitioner and the third respondent, the second respondent police shall pass appropriate orders on merits and in accordance with law within a period of one month from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (AS)

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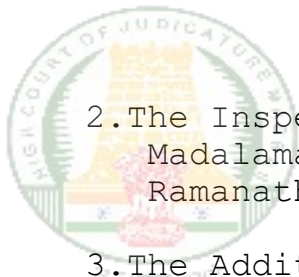
/ /2021

Sub Assistant Registrar(CS)

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,
Ramanathapuram District.



2.The Inspector of Police,
Madalamanickam Police Station,
Ramanathapuram District.

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

Crl.O.P. (MD) No.5056 of 2021
09.04.2021

SSS (CO)
KB(10.05.2021) 3P 4C