



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.04.2021

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.5159 of 2021

S.Ramesh

... Petitioner

Vs.

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

2. The Inspector of Police,
Chinnalapatty Police Station,
Dindugul District.

3. G.Umeshwaran

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent to consider the petitioner's representation dated 19.02.2020 and provide sufficient police protection to the life, limb of the petitioner and his family members.

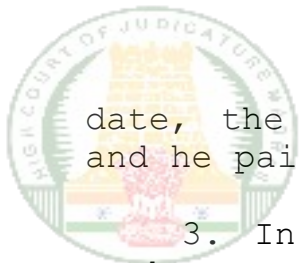
For Petitioner : Mr.Gopala Manikandan.A.S

For Respondents1 & 2 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed seeking a direction to the 2nd respondent to consider the petitioner's representation dated 19.02.2020 and provide sufficient police protection to the life, limb of the petitioner and his family members.

2. The case of the petitioner is that on 08.01.2020, the petitioner and his friend namely one Srinivasan have jointly purchased a house plot in S.No.18/2-A, Chinnalapatty, Ambathurai Village, Athur Taluk, Dindigul District, for a sum of Rs.2 lakhs to construct a building for their business. The said transaction was registered at Sub-Registrar Office, Chinnalapatty on the same day. Immediately after completion of the registration process, the petitioner came into possession and he is in enjoyment of the property till date. Subsequently, on 02.02.2021, the petitioner had purchased the said property in his name by a registered sale deed from his friend Srinivasan and after verifying the records, the Tahsildar has granted separate patta in his favour. As on



date, the petitioner is the absolute owner of the said property and he paid kist and tax in his name.

3. In the said situation, the 3rd respondent herein and his mother namely one Mrs.Menaka, who are residing adjacent to the petitioner's plot said to have claimed that they are also having right in the said plot and they are making attempts to trespass in the petitioner's house plot, due to which problem arose between the petitioner and the third respondent's family. Hence, the petitioner had approached the 2nd respondent herein and lodged a complaint and requested them to settle the dispute by conducting an enquiry by verifying records. On receipt of his complaint, the 2nd respondent had issued a receipt on 14.01.2020 and further, he informed that the matter will be enquired. Hence the petitioner filed this petition.

4. According to the learned counsel for the petitioner, even though a representation was given on 20.02.2021, seeking action against the accused person and the same was acknowledged by them, it was not considered.

5. According to the learned Government Advocate (Crl.Side), the representation was not properly forwarded and no protection or action against the accused persons have been sought in the representation.

6.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side).

7.Considering the submissions made by the learned counsel for the petitioner and the learned Government Advocate (Crl. Side), there shall be a direction to the petitioner to make a fresh representation to the first respondent within a period of fifteen days from the date of receipt of a copy of this order and on receipt of such representation, the first respondent is directed to proceed with the same and to pass orders on merits and in accordance with law, by conducting enquiry.

8. With the above observations, this Criminal Original Petition stands disposed of.

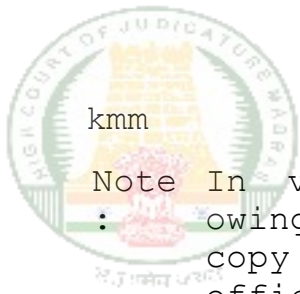
Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



kmm

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,
Dindigul District,
Dindigul.
2. The Inspector of Police,
Chinnalapatty Police Station,
Dindugul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.A.S.GOPALAMANIKANDAN, Advocate (SR-15704[F] dated 09/04/2021)

Crl.O.P. (MD) No.5159 of 2021
09.04.2021

KM(09.07.2021) 3P 5C