



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.04.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **G. ILANGO VAN**
CrI.O.P. (MD)No.5671 of 2021

WEB COPY

Mrs.T.Kasikani

... Petitioner

Vs.

1. The Superintendent of Police,
PSP Nagar, Korampallam,
Thoothukudi District - 628101.

2. The Deputy Superintendent of Police,
Eral Taluk,
Thoothukudi District.

3. The State Rep by
The Inspector of Police,
Eral Police Station,
Eral Taluk,
Thoothukudi District.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the third respondent to give police protection to the petitioner based on the complaint dated 12.02.2021 & 01.03.2021 made by the petitioner.

For Petitioner	: Mr.M.Jahangir Baba
For Respondents	: Mr.K.Suyambuliga Bharathi, Government Advocate(crl.side).

O R D E R

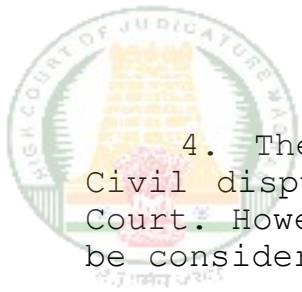
This petition is filed seeking a direction to the respondent police to give a police protection on the basis of the representation and complaint given by the petitioner dated 12.02.2021 and 01.03.2021.

2. The case of the petitioner's father Mr.Kandhan is the absolute owner of the property comprised in Survey Nos.104/1E1A - 0.50 areas, 104/1A28-1.50 areas and 1052/B1-28.00 areas, situated at Perungulam Village, Eral Taluk, Thoothukudi District by way inheritance from his ancestors. Due to his old age and out of love, he executed a registred settlement deed in the favour of the petitioner vide Doc.No.244 of 2020 dated 24.04.2020, on the file of SRO, Perungulam. It is pertinent to mention that the patta was also



transferred in the petitioner's name vide Parra No.3671. Since then, the petitioner has been enjoying the title and possession without any hindrance. A Veda Koil Church has been located in front of the above mentioned properties entrance and the petitioner father Mr.Kandhan also one of the devotee of the said Veda Koil. It is submitted that, since the petitioner is living with her 90 years old father alone, they decided to set up a barbed wire fence around her house for security purposes. Before setting up the fencing, the petitioner made a representation to the Surveyor, Eral Taluk, seeking to survey the schedule mentioned property and fix the boundaries. Thereby, she had paid a sum of Rs.1,600/- via SBI Challan pay on 10.09.2020. It is pertinent to mention that the Head Surveyor with the assistance of Surveyor, Village Administrative Officer, Thallaiyari and his Assistants surveyed the property on 29.12.2020 and marked the boundaries. It is needless to mention that the Head Surveyor marked that the Veda Koil/Church's half entrance and half of its toilet were built in the petitioner's land. So, as per his instruction, the petitioner has put up the survey stone.

3. Subsequently, the Veda Koil / Church's Father Rev.Father Mr.David also filed a petition to the Head surveyor seeking for the survey of the Church property and thus the survey was conducted on 06.01.2021. Thereby the Head Surveyor once again confirmed that the Veda Koil / Church's half entrance and half of its toilet were built in the petitioner's land. The Veda Koil / Church's present Rev.Father Mr.David along with Mr.Ganapathy have been disturbing the peaceful possession of the petitioner now and then for the reasons best known to them. On the other hand, they have been making false and bogus allegations stating that the petitioner has encroached the Veda Koil / Church's property, when it is vice versa. They have lodged a bogus complaint before the first respondent on 04.01.2021, mentioning that the petitioner had encroached the veda Koil / Church's property. After due enquiry, the case has been closed. Hence with no other option to go, the petitioner approached the respondent seeking for police protection on 12.02.2021 and the same was kept pending and he was threatened with dire consequences of life and his property by the said Rev.Father Mr.David and Mr.Ganapathy. The said accused persons have no right what-so-ever to lay fencing for the Veda Koil/Church, when the church itself constructed in his land and their act is absolutely unwarranted and illegal. The petitioner approached the first Respondent Police seeking for police protection on 12.02.2021 & 01.03.2021, with the influence of the Rev.Father Mr.David, they refused to do so, since the said accused person has hand-in-glove with the first respondent police and influencing the first respondent and hence the respondents neglected to take appropriate action against them. Due to the above said fact, the petitioner is afraid of her life and limb, unless, she will be put to untold hardship and monetary loss will be caused.



4. The learned Public Prosecutor would submit that it is a Civil dispute and the same shall be worked out only through Civil Court. However, there is a representation by the petitioner ought to be considered by the respondent police.

5. There shall be a direction to the respondents to consider the representation of the petitioner and pass orders on merits within 15 days from the date of receipt of a copy of this order, after giving due notice to the other parties.

Sd/-

Assistant Registrar (CS II)

// 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,
PSP Nagar, Korampallam,
Thoothukudi District - 628101.

2. The Deputy Superintendent of Police,
Eral Taluk,
Thoothukudi District.

3. The Inspector of Police,
Eral Police Station,
Eral Taluk,
Thoothukudi District.

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

+1 CC to M/s.M.JAHANGIR BABA, Advocate (SR-16819[F] dated 21/04/2021)

Crl.O.P. (MD)No.5671 of 2021
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MGJ(06.08.2021) 3P 6C