



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2021

CORAM :

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

Crl.OP(MD).No.5710 of 2021

WEB COPY

K.Surya

... Petitioner

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.
2. The Inspector of Police,
Parthibanur Police Station,
Paramakudi Taluk,
Ramanathapuram District.
3. The Tahsildar,
Taluk Office, Paramakudi Taluk,
Ramanathapuram District.
4. The Taluk Surveyor,
Taluk Office, Paramakudi Taluk,
Ramanathapuram District.

5. I.Karuppaiah

6. K.Ganesan

... Respondents

Prayer : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the respondents 1 and 2 to provide adequate police protection to the petitioner's life and limb at the time of measuring and surveying her property comprised in Survey No.409/2A of an extent of 0.40.00 acres situated at Mela Parthibanur Village, Paramakudi Taluk, Ramanathapuram District by considering her representation dated 26.03.2021.

For Petitioner : Mr.C.Gangai Amaran
For Respondents : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side).

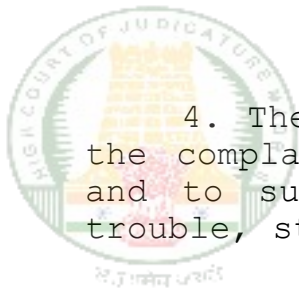
ORDER

This petition is filed seeking a direction to the respondents 1 and 2 to provide adequate police protection to the petitioner's life and limb at the time of measuring and surveying her property comprised in Survey No.409/2A of an extent of 0.40.00 areas situated at Mela Parthibanur Village, Paramakudi Taluk, Ramanathapuram District by considering her representation dated 26.03.2021.



2. The case of the petitioner is that the property comprised in S.No.409/2A measuring an extent of 0.40.00 areas belonged to one Rakki and Vengusamy and they were only in possession and enjoyment of the same. The said property is a vacant land. The petitioner herein has purchased the said property from the said vendors for a valuable consideration on 03.12.2020 vide document No.3683 of 2020. Thus the petitioner became the absolute owner of the said property from December 2020 onwards. All the revenue records were mutated into her name and she has also paid the necessary taxes and charges to the concerned authorities. After purchase of the said vacant land, the petitioner made a request on 12.02.2021 to the revenue authorities to transfer the patta into her name and the revenue authorities, after verifying all the revenue and other records and parental documents, issued patta transfer order in favour of the petitioner. The respondents 5 and 6, who are adjacent land owners, have been trying to encroach and grab the petitioner's property. In fact on earlier occasion, they made such attempt to grab the said property from her previous vendors and also attacked the vendors, who lodged a police complaint against the respondents 5 and 6 herein. When the petitioner recently went to her property for levelling the land by removing the bushes and other waste materials in the land, at that time also, the respondents 5 and 6 have interfered and objected the petitioner's action proclaiming that the said property belongs to them and also abused the petitioner in filthy language. Hence, she made a representation to the Taluk Surveyor, Paramakudi/fourth respondent herein on 12.02.2021 requesting to measure and survey her property. In pursuance of such request, the officials of the fourth respondent office came to inspect and survey and measured the petitioner's property during the third week of February and at that time also, the respondents 5 and 6 objected for such measurements by the fourth respondent and his officials and even prevented them from discharging their official duties. The petitioner sent a detailed representations to the respondents 1 and 2 on 26.03.2021 explaining all the above illegal acts of the respondents 5 and 6 in preventing the revenue officials from discharging their duties of measuring the petitioner's land and sought for police protection to her life and limb more fully during the time of measuring of the property. Even though the same was also acknowledged, no action was taken by the respondents 1 and 2 till date causing severe mental agony and hardship to the petitioner. The respondents 1 to 4 being statutory authorities are duty bound to take necessary action on the basis of the representation submitted by the petitioner and their inaction is causing severe mental agony and hardship to the petitioner. Hence, he filed this Criminal Original Petition.

3. The learned counsel for the petitioner would submit that the private respondents are making trouble on the ground that there is a boundary dispute.



4. The learned Public Prosecutor would submit that, based upon the complaint given by the petitioner, the enquiry was undertaken and to survey the property. The respondents 3 to 6 are making trouble, stating that it is a civil dispute.

5. The learned counsel for the petitioner further submits that there is only a boundary dispute. There shall be a direction to the third and fourth respondents herein to adopt the procedure that has been set out in Section 10 of Survey and Boundaries Act. The fourth respondent has to follow the procedure by issuing notice to all parties concerned i.e the private respondents herein.

6. There shall be a direction to the fourth respondent to strictly follow the provision under Section 10 of the Act and liberty is granted to the petitioner to make a representation to the fourth and second respondent for measuring the property and the fourth respondent and the second respondent may consider the same and act as per law. If the fourth respondent feels that trouble may arise, he may give a petition to the second respondent who shall consider the same and shall provide police protection, if considers as necessary.

7. With these directions, this Criminal Original Petition is disposed of.

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,
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Ramanathapuram District.

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Crl.O.P. (MD)No.5710 of 2021
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KS (CO)
KB (12.08.2021) 4P 5C