



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

CrI.O.P. (MD) No.5878 of 2021

WEB COPY

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... Petitioner

Vs.

- 1.The District Collector,
Trichirappalli District,
Trichirappalli.
- 2.The District Revenue Officer,
Trichirappalli District,
Trichirappalli.
- 3.The Tahsildar,
Thiruverumbur Taluk Office,
Trichirappalli District.
- 4.The Surveyor,
Thiruverumbur Taluk Office,
Trichirappalli District.
- 5.The Inspector of Police,
Thiruverumbur Police Station,
Trichirappalli District.
- 6.Innasimuthu
- 7.Immanuvel
- 8.Victor

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the 5th respondent to provide adequate police protection to the petitioner to survey the land situated at Old Survey No.74 B/5, in New Survey No.135/51 in extent of 561 square feet in west side 17 feet and south and north side 33 feet at Sarkarpalayam, Panaiyakuruchi Village, Thiruverumbur Taluk, Trichirappalli District, based on the complaint of the petitioner, dated 11.02.2021.

For Petitioner : Mr.T.P.Balasubramanian

For R1 to R5 : Mr.R.M.Anbunithi

Additional Public Prosecutor (CrI.Side)



ORDER

This petition is filed seeking a direction to the 5th respondent to provide police protection to the petitioner to survey the land in Old S.No.74 B/5 (New S.No.135/51) at Sarkarpalayam, Panaiyakuruchi Village, Thiruverumbur Taluk, Trichirappalli District, based upon the representation of the petitioner, dated 11.02.2021.

2.By order dated, 02.08.2021, it has been observed that based upon the representation made by the petitioner, steps were taken to measure the property in pursuance of the order passed in Crl.O.P. (MD) No.559 of 2019 by the 4th respondent and during the courser of survey, as per FMB, it was found that the pathway is situated on the western side, whereas, the petitioner claimed that it is situated on the eastern side. So, the case was adjourned today for circulating a copy of the statement given by the 4th respondent and the order passed by the Tahsildar Thiruverumbur.

3.When the matter is taken up for hearing, a copy of the order dated 27.08.2021 passed by the Tahsildar, Thiruverumbur has been produced before this Court, wherein, it has been mentioned that the petitioner insisted that the pathway must be marked on the eastern side, wherein, as mentioned above, as per FMB, it is available only on the western side. So, on that ground, the petitioner was directed to workout his remedy before the appropriate civil Court through appropriate civil proceedings.

4.As mentioned in the order dated 27.08.2021, where the pathway situated cannot be a subject matter for consideration either by this Court or by the Revenue Authorities and the police. Therefore, as advised, the petitioner is directed to workout his remedy before appropriate forum through appropriate proceedings.

5.With the aforesaid liberty, this petition is disposed of as the question of grant of police protection does not arise.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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.

<https://hdc.myscourts.gov.in/litserve/>



To

- 1.The District Collector,
Trichirappalli District,
Trichirappalli.
- 2.The District Revenue Officer,
Trichirappalli District,
Trichirappalli.
- 3.The Tahsildar,
Thiruverumbur Taluk Office,
Trichirappalli District.
- 4.The Surveyor,
Thiruverumbur Taluk Office,
Trichirappalli District.
- 5.The Inspector of Police,
Thiruverumbur Police Station,
Trichirappalli District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.5878 of 2021
27.08.2021

MGJ(06.09.2021) 3P 7C