



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.04.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **G. ILANGO VAN**

CrI.O.P. (MD)No.6169 of 2021

S.Mathi

... Petitioner

Vs.

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

2.Inspector of Police,
Kurumbur Police Station,
Tuticorin District.

3.Ponpalvesam

4.Saravanan

5.Karunakaran

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the respondent No.1 and 2 to provide necessary police protection to the petitioner's life and limb for doing cultivation in S.No.59 situated at Rajapathi Village, Sirunadar Kudiyeruppu, Tuticorin District, on the basis of the petitioner's representation dated 04.02.2021.

For Petitioner : Mr.S.Selvakumar

For R-1 and R-2 : Mr.K.Suyambulinga Bharathi

Government Advocate (crl.side)

ORDER

This criminal original petition has been filed seeking a direction to the respondents 1 and 2 to provide necessary police protection to the petitioner's life and limb for doing cultivation in S.No.59 situated at Rajapathi Village, Sirunadar kudiyeruppu, Tuticorin District on the basis of the petitioner's representation dated 04.02.2021.

2.The case of the petitioner is that the agricultural land comprised in S.No.59, situated at Rajapathi Village, Sirunadra Kudiyeruppu, Tuticorin District belongs to one Mutharamman temple. The said land was taken on lease by the petitioner's father, namely Kasirajan and after taking the lease, the petitioner's father planted banana trees. In the mean time, one Arumugakani @ Kani and Ramalingam disturbed the peaceful enjoyment in the said land. Hence, the petitioner's father filed a suit in O.S.No.400/2013 on



injunction. Pending the suit, the petitioner's father died. Subsequently, the said suit was transferred to the Sub Court, Tiruchendur in O.S.No.203 of 2017. On 14.09.2019, the respondents No.3 to 5 illegally trespassed into the petitioner's land and set fire to the banana trees. Hence, the petitioner lodged a complaint before the second respondent police and after enquiry, a case in Crime No.32/2020 was registered against the respondents 3 to 5. Thereafter, on 03.01.2021, the petitioner and her brothers while doing agricultural work in the said land, the respondents 3 to 5 made a life threat to the petitioner with dire consequences. Hence, the petitioner made a representation on 04.02.2021 to the first respondent requesting to provide necessary police protection, but there was no progress. Hence, the petitioner approached this Court with the aforesaid prayer.

3.After hearing both sides, it is seen that the petitioner is in possession of the disputed property, which belongs to the temple as a lessee. The fifth respondent appears to have also entered into a lease agreement in the same property in respect of which, a suit in O.S.No.400 of 2013 was filed by the father of the petitioner and later, it was transferred to Sub Court, Tiruchendur, which was also taken on file in O.S.No.203 of 2017 and after death of the father, the petitioner and others legal heirs are brought on record. Since it is a leasehold right dispute, the question of giving police protection during the pendency of the suit will not arise. Therefore, the petitioner is directed to workout his remedy, only before the concerned Court before which, the suit is pending.

4.In view of the above, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

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 Superintendant of Police,
Tuticorin District,
Tuticorin.
- 2.The Inspector of Police,
Kurumbur Police Station,
Tuticorin District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. [MD]No.6169 of 2021
30.04.2021

KUN(CO)
TR(11.06.2021) 3P 4C