



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

CrI.O.P.(MD)No.7757 of 2021

WEB COPY

1. V.Ganapathi
2. Sudha

... Petitioners

Vs.

1. The Inspector General of Police,
South Zone,
No.1, New Natham Road,
B.B.Kulam, Race Course Colony,
Madurai - 625 002.
2. The Superintendent of Police,
Theni District, Theni.
3. The Inspector of Police,
Rayappanpatti police station,
Theni District.
- 4.V.Suruli Ram
5. M.Manikandan

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to issue a suitable direction, directing the second respondent herein to suitably instruct the third respondent herein to provide appropriate and adequate police protection to the petitioners for their peaceful possession and cultivation of the lands bearing Survey No.1669/1 of an extent of 93 ½ cents with pathway rights, Survey No.1670/2 of an extent of 35 cents and Survey No.1669/3 pathway rights based on the registered partition deed dated 01.02.2010 and as well as the judgment and decree passed in counter claim in O.S. No.201 of 2017 on the file of the District Munsif Court, Uthamapalayam dated 08.04.2021 in the light of the petitioner's representation dated 05.06.2021.

For Petitioners : Mr.A.Saravanan

For Respondents : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

For R4 & R5 : Mr.K.Esakki

**O R D E R**

The petitioners have filed this criminal original petition seeking police protection.

2. It is seen that the suit filed by the private respondents against the petitioner had suffered a dismissal. I am afraid that on the strength of the dismissal of the suit filed by the respondents, relief cannot be granted to the petitioners. At this stage, the learned counsel appearing for the petitioners informs the Court that the petitioners have now filed O.S. No.136 of 2021 on the file of the District Munsif, Uthamapalayam and that it is posted for hearing on 08.12.2021. In the event of the petitioners obtaining any interim relief or final decree in their favour in the suit, it would certainly be open to the petitioners to move this Court again for the relief of police protection. In any event, the rights of the parties will be governed by the suit instituted by the petitioners herein.

3. In the earlier suit, the petitioners herein filed a counter claim and the said counter claim that was in respect of the pathway had been decreed. If the scope of the present petition is confined only to pathway rights, this Court would have granted relief. But the scope of the dispute appears to have expanded considerably and that is why, I hold that based on the outcome of O.S.No.136 of 2021 filed by the petitioners herein on the file of the District Munsif, Uthamapalayam, relief can be granted in future.

4. With this observation, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PMU

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 District Munsif,
Uthamapalayam.
2. The Inspector General of Police,
South Zone, No.1, New Natham Road,
B.B.Kulam, Race Course Colony,
Madurai - 625 002.
3. The Superintendent of Police,
Theni District, Theni.
4. The Inspector of Police,
Rayappanpatti police station,
Theni District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.A.SARAVANAN, Advocate (SR-33989[F] dated 10/11/2021)

+1 CC to M/s.K.ESAKKI, Advocate (SR-34174[F] dated 11/11/2021)

Crl.O.P. (MD)No.7757 of 2021
10.11.2021

MGJ/SKN(24.11.2021) 3P 8C