



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2021

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.O.P. (MD) .No.9899 of 2021

Natesan

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Pudukottai District.

2.The Inspector of Police,
K.Pudhupatti Police Station,
Thirumayam Taluk,
Pudukottai District.

3.Chellakannu

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the Respondent No.2 to provide Police Protection for petitioner survey the petitioner's land and to plant boundary stones in the petitioner's land by considering the petitioners representation dated 15.07.2021, in accordance with law within the time stipulated by this Court.

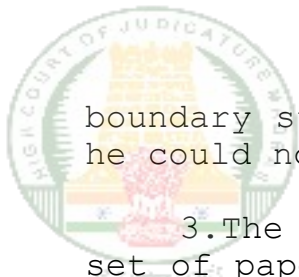
For Petitioner	:	Mr.K.M.Karunakaran
For R1 & R2	:	Mr.R.Meenakshi Sundaram
		Additional Public Prosecutor
For R3	:	Mr.K.C.Maniyarasu

ORDER

(This petition is heard through video conference)

This petition has been filed seeking a direction to the Respondent No.2 to provide Police Protection for petitioner survey the petitioner's land and to plant boundary stones in the petitioner's land by considering the petitioners representation dated 15.07.2021.

2.The case of the petitioner is that he purchased the property situated in S.No.38/9 in patta No.173 at Nallampaal Samudram Village, Thirumayam Taluk and subsequent to the above said purchase he is in possession of the property and he wanted to survey the land. So he made a representation on 20.05.2019 before the concerned Taluk Office. But that was not considered. So he filed W.P.(MD). No.7863 of 2021, seeking a direction for survey the land that was allowed by order dated 16.04.2021 and the property was also surveyed on 27.04.2021. But when the petitioner was about to fix the



boundary stones, the third respondent made trouble. Because of that he could not continue the same.

3.The third respondent through his counsel produced the typed set of papers stating that there is a rival claim to the above said property and to resolve the same they have filed a suit in O.S.No.77 of 2021 before the learned District Munsif Cum Judicial Magistrate, Thirumayam, in which, this petitioner has been arrayed as second defendant and the suit has been filed for the relief of specific performance and for consequential relief. The case status has been enclosed, wherein, we see that summon has been issued to the parties. To know whether the summon has been received by this petitioner or not, the counsel for the third respondent seeks time.

4.What ever may be, a suit has been filed before the concerned Court and the parties can resolve their dispute in the pending suit. Hence, police protection to one of the parties may not be proper.

5.The learned counsel for the petitioner submits that the suit was filed in 4th December 2020. The order in the above said writ petition has been passed on 16.04.2021. At that time, summon has not been served upon him. The grievance of the third respondent is that without impleading himself as a party, the above said order has been obtained. What ever it may be that cannot be re-agitated at this stage. Since the dispute is with regard to the fixing of boundary stones, the petitioner has to workout his remedy in the pending civil proceedings itself.

6.As I mentioned earlier, when there is a civil proceeding is pending, granting of police protection to one of the parties, may not be proper.

7.Accordingly, this petition is dismissed with the above liberty.

Sd/-

Assistant Registrar (T&P)

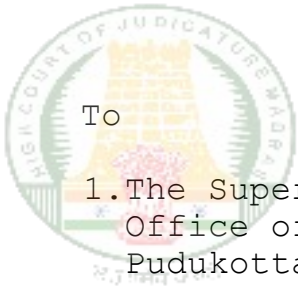
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/ /2021

Sub Assistant Registrar(CS)

TM

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,
Office of the Superintendent of Police,
Pudukottai District.

2.The Inspector of Police,
K.Pudhupatti Police Station,
Thirumayam Taluk,
Pudukottai District.

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

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DJ (CO)

GC/SKN(16.11.2021) 3P 4C