



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.O.P (MD)No.10869 of 2021

WEB COPY

S.Vijayanirmala

..Petitioner

Vs

1.State through
The Superintendent of Police,
Thanjavur,
Thanjavur District.

2.The Inspector of Police,
Pappanadu Police Station,
Thanjavur District.

3.Pitchaian
4.Vetriselvi

..Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the third respondent to give police protection for the petitioner life and limb and to her property comprising in survey No.754/3A and 754/3B1 situated at Periyakottaikadu Village, Orathanadu Taluk, Thanjavur District for fencing and survey, based on the representation dated 28.07.2021, in accordance with law.

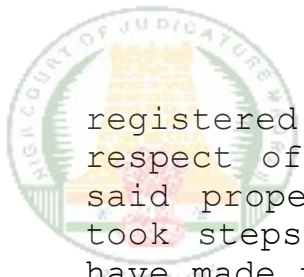
For Petitioner : Mr.C.Susi Kumar

For R1 & R2 : Mr.R.M.Anbunithi
Additional Public Prosecutor

O R D E R

This petition has been filed seeking police protection for measuring the property and fencing, based on her representation dated 28.07.2021.

2.The case of the petitioner is that she is the owner of the property in Survey No.754/3A and 754/3B1 measuring 27 cents and 60 cents, situated at Periyakottaikadu Village, Orathanadu Taluk, Thanjavur District. Originally, the property was purchased by the petitioner's grandfather during 1961 and thereafter, during 1990, partition was done among the legal heirs, through which, the above property has been allotted to the petitioner's father. Subsequent to the death of the petitioner's father, her brother executed a



registered sale deed on 20.04.2021 in favour of the petitioner in respect of his share. Thus, she became the absolute owner of the said property. For the purpose of measuring the same, when she took steps, the neighbours who are the respondents 3 & 4 herein, have made trouble to the petitioner.

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3. When the matter was taken up for hearing on 06.08.2021, the learned Additional Public Prosecutor has submitted that based upon the representation made by the petitioner, enquiry was undertaken in CSR No.244 of 2021 and the petitioner did not co-operate with the enquiry. For intimating the outcome of the enquiry, the matter was ordered to be listed today.

4. Even today, the very same submission has been made by the learned Additional Public Prosecutor, which was strongly objected by the learned counsel for the petitioner.

5. Since representation has been made by the petitioner for the purpose of measuring and fencing the property, the petitioner is to take steps for measuring the property through the concerned Taluk Surveyor, i.e Taluk Surveyor, Orathanadu. The concerned Taluk Surveyor by complying the provision under Section 10 of Tamil Nadu Survey and Boundaries Act, shall conduct enquiry by summoning the petitioner and the private respondents herein, and depending upon the outcome of the enquiry, if any trouble is apprehended, a representation may be sent to the second respondent seeking police protection. In that event, the second respondent may consider the same on merits and provide necessary police protection only for measuring the property. Such exercise shall be completed within a period of one month from the date of receipt of a copy of this order.

6. With the above directions, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

vrn

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://hcservices.ecourts.gov.in/hcservices/>



To

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

2.The Inspector of Police,
Pappanadu Police Station,
Thanjavur District.

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

Crl.O.P(MD)No.10869 of 2021
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RK (29/10/2021) 3P 4C