



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1 OP(MD)No.12739 of 2021

Velmani

... Petitioner

vs.

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

2.The Sub Inspector of Police,
Chinnalapatti Police Station,
Dindigul District.

3.The Surveyor,
Seevalsaragu Village,
Authoor Taluk,
Dindigul District.

4.Iyyappan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.Pc to direct the first respondent to instruct the second respondent to give police protection to survey the land for fencing belongs to the petitioner.

For Petitioner

: Mr.M.Viji

For Respondents

: Mr.T.Senthilkumar,

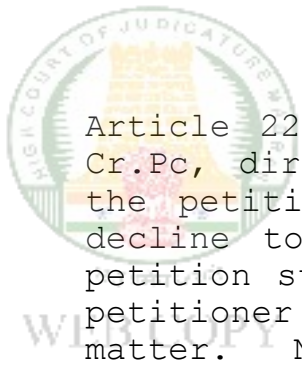
1 to 3

Additional Public Prosecutor

ORDER

Heard the learned counsel on either side. The petitioner wants this Court to direct the revenue authorities to provide him adequate police protection so that he can survey the petition mentioned land. According to the petitioner, the petition mentioned property absolutely belongs to him.

2.I am afraid such a relief cannot be granted under Section 482 of Cr.Pc. If the petitioner's efforts to survey the petition mentioned land is thwarted by a third party, the remedy is to file an injunction suit. This Court cannot go into the rival claims regarding title while exercising its power under Section 482 of Cr.Pc. If the petitioner is having an enforceable decree from the civil court or any other judicial forum, then certainly, under



Article 226 of the Constitution of India or under Section 482 of Cr.Pc, direction for police protection can be given. Admittedly, the petitioner is not having any enforceable decree. Hence, I decline to grant the relief sought for. This criminal original petition stands dismissed. I make it clear that the rights of the petitioner are left open. I have not gone into the merits of the matter. No costs.

Sd/-

Assistant Registrar(CS-)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

skm

To

- 1.The Superintendent of Police,
Dindigul District, Dindigul.
- 2.The Sub Inspector of Police,
Chinnalapatti Police Station,
Dindigul District.
- 3.The Surveyor,
Seevalsaragu Village,
Authoor Taluk, Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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sj(CO)

TR(18.11.2021) 2P 5C