



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.17297 of 2021

K.O.R.Kandasamy Reddiyar ... Petitioner  
Vs.

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

2.The Inspector of Police,  
Nalattinpudur Police Station,  
Nalattinpudur,  
Thoothukudi District.

3.Periyamariappan ... Respondents

**Prayer:** This Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent Nos.1 and 2 to give adequate police protection to fence the petitioner's land in S.F.No.37/4D to an extent of 0.89.58 hectare situated at Chidambarampatti, Kayathar Taluk, Thoothukudi District based on the petitioner's representation dated 25.10.2021.

For Petitioner : Mr.M.Prabhu  
For Respondents : Mr.M.Veeranthiran,  
Govt. Advocate (Crl. Side) for R1 & R2.

### O R D E R

This criminal original petition has been filed for directing the police authorities to give him police protection for fencing the petition mentioned land.

2.The learned counsel appearing for the petitioner places reliance on the report of the Tahsildar dated 11.10.2021. The petitioner has earlier given a complaint before the jurisdictional Tahsildar, who had stated that after taking into account the sale made by the petitioner in favour of the third respondent, the petitioner must have 0.89.5 ares but on ground only 0.88.4 ares is available. I am afraid that on the strength of this report, the police cannot be directed to give police protection as sought for by the petitioner. The third respondent is not a third party or a



stranger. He had purchased a portion of land from the petitioner herein. There is dispute between the petitioner and the third respondent regarding the actual extent. Such a dispute can be resolved only by the jurisdictional civil Court. The second respondent cannot be expected to assume the role of civil Court in adjudicating the boundary dispute between the petitioner and the third respondent. Leaving open the petitioner's rights and remedies to move the competent civil Court, this criminal original petition is dismissed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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,  
Thoothukudi District,  
Thoothukudi.
- 2.The Inspector of Police,  
Nalattinpudur Police Station,  
Nalattinpudur,  
Thoothukudi District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

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**09.11.2021**

MGJ/SKN(22.11.2021) 2P 4C