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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.1709 OF 2022

K.Raman

... Petitioner

Versus

1. The Superintendent of Police,
Tiruppathur District,
District Police Office,
Pudupet Road,
Tiruppathur - 632 601.

2. State of Tamil Nadu,
Rep. by the Inspector of Police,
Taluk Police Station,
Vaniyambadi - 635 751.

3. K.Selva Nathan

... Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the first respondent to give adequate police protection to the petitioner for putting up the superstructure by removing the thorn bushes from the petitioner's property viz., 3.46 acres agriculture land comprised at Vallipattu Village Vaniyambadi Taluk Tiruppathur District and consequently direct the second respondent to forbear the third respondent his men agents and all acting on behalf of him interfering with the removal of thorn bushes and putting up superstructure.

For Petitioner : Mr.B.Ram Prasath

For R1 & R2 : Mr.E.Raj Thilak
Additional Public Prosecutor



O R D E R

WEB COPY This Criminal Original Petition is filed to direct the first respondent to give adequate police protection to the petitioner for putting up the superstructure by removing the thorn bushes from the petitioner's property viz., 3.46 acres agriculture land comprised at Vallipattu Village Vaniyambadi Taluk Tiruppathur District and consequently direct the second respondent to forbear the third respondent his men agents and all acting on behalf of him interfering with the removal of thorn bushes and putting up superstructure.

2.The grievance of the petitioner is that the petitioner seeks police protection for putting up a superstructure in his property by removing the thorn bushes in Vallipattu Village Vaniyambadi Taluk, Tiruppathur District. The third respondent had objected the same. The second respondent police has not taken any action. The third respondent is not having right over the property.

3.The learned Additional Public Prosecutor submits that earlier the petitioner had lodged a complaint and C.S.R.No.838 of 2021 assigned. After enquiry the same was closed, finding that dispute is civil in nature and the petitioner is directed to approach the Civil Court.

4.The learned counsel appearing for the petitioner submits that the petitioner is the lawful owner of the property and the third respondent is not having right over the property and the petitioner is enjoying the property. It is a constitutional right of the petitioner to enjoy the property which cannot be denied. The respondent police have not provided any police protection to the petitioner.

5.The learned Additional Public Prosecutor submits that after enquiry, the C.S.R.No.898 of 2021 has been closed and the closure report is yet to be served to the petitioner.

6.Considering the submissions and on perusal of the materials, this Court directs the respondent police to serve the closure report. Thereafter the petitioner is directed to agitate the same, if so desires.



7. With the above directions, this Criminal Original Petition stands disposed of.

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Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Tiruppathur District,
District Police Office,
Pudupet Road,
Tiruppathur - 632 601.
2. The Inspector of Police,
Taluk Police Station,
Vaniyambadi - 635 751.
3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.1709 of 2022

PMK(CO)
PM/17/02/2022