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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.753 & 764 of 2022

Arutselvan ... Petitioner in Crl.O.P. No.753 of 2022
Sundaramurthi ... Petitioner in Crl.O.P. No.764 of 2022

Versus

1. State of Tamil Nadu,
rep. by the Superintendent of Police,
Office of the Superintendent of Police,
Cuddalore, DPO, Anaikuppam,
Cuddalore.
2. State of Tamil nadu,
Rep. by the Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Police line, Panruti.
3. State of Tamil Nadu,
Rep. by the Inspector of Police,
Kadampuliyur Police Station,
Cuddalore District.
- 4.G.Jayachandran
- 5.J.Rajarajan
- 6.J.Yuvaraja ... Respondent 1-6 in both Crl.O.Ps.
- 7.Elaiyaraja ... 7th Respondent in Crl.O.P. No.753 of 2022
- 8.Jothivel ... 7th Respondent in Crl.O.P. No.764 of 2022 &
... 8th Respondent in Crl.O.P. No.753 of 2022

COMMON PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent nos.1 to 3 to provide adequate Police Protection to the Petitioner to prevent the respondent Nos.4 to 7, 8 from disturbing the Property situated at Kadampuliyur, Keelmampattu



Village, Cuddalore comprised in Survey Nos.273 , 273/1.

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For Petitioner : Mr.Sundar Mohan for
Mr.Manuraj in both cases

For Respondents : Mr.R.Vinoth Raja
Government Advocate (Crl.Side)
in both cases

ORDER

These Criminal Original Petitions have been filed to direct the respondent nos.1 to 3 to provide adequate Police Protection to the Petitioners to prevent the respondent Nos.4 to 7, 8 from disturbing the Property situated at Kadampuliyur, Keelmampattu Village, Cuddalore comprised in Survey Nos.273 , 273/1.

2. The brief facts of the case is that on 14.01.1972, a Partition Deed was effected between Ramalingam Padayachi, Jayaram Payachi, Seetharaman and 4th respondent herein registered as Doc. No.763/1972 on the file of S.R.O., Panruti. The property comprised in Survey No.273, totalling to 22 Acres and 93 cents was allotted to Jayaram Padayachi. The said Jayaram Padayachi executed a Will on 14.07.1994 registered as Doc. No.69/1994 on the file of the S.R.O., Cuddalore in favour of his wife and he had expired on 10.11.2008 leaving behind Tamilarasi, his wife as his sole legal heir.

3. The said Tamilarasi, being the sister of one Arutselvan/Petitioner in Crl.O.P. No.753 of 2022, entered into a settlement deed with the petitioner on 04.10.2019 registered as Doc. No.3121 of 2019 with the S.R.O., Panruti had settled 8 acres of land. The petitioner Arutselvan is the lawful owner of the property and executed a Sale Deed in favour of S.Punniyamurthi for the property comprised in S.No.273 measuring 3.00 Acres situated at Kadampuliyur, Keelmampattu Village, Cuddalore. The petitioner has been in peaceful possession of the property and cultivating 'Manila' crop and has erected Steel Fence along the boundaries.

4. Learned counsel for the petitioner submitted that on 14.12.2021, around 9.00 a.m, respondents 4 to 8 had destroyed the steel fencing and crops grown therein using their Tractor. Hence, the petitioner had lodged a complaint to the third respondent police on the very same day and the same was



registered in Crime No.688 of 2021 under Sections 147, 427 & 447 of IPC. Then after two days, the respondents had illegally entered into the property and stole the pump sets and fuse carriers stored in the motor shed belonging to the petitioner. The said incident also informed to the respondent police.

5. Further, the petitioner has filed Civil Suit in O.S. No.262 of 2020 pending on the file of Subordinate Judge, Cuddalore against the respondents Nos.4 to 7 seeking permanent injunction. Pending the Civil Suit against the respondents, 4th respondent had filed a separate civil suit vide O.S. No.680 of 2021 on 11.12.2021 before the Subordinate Judge, Panruti.

6. The petitioner made a representation dated 24.12.2021 stating that the respondents illegally blocked the gates of the house owned by the petitioner with the help of muscle men, when the sister of the petitioner, Tamilarasi who is residing in the said premises was shocked to see the gate and pathway to the house blocked and they were threatened with deadly weapons to kill her by burning her along with the house and left from that place without removing the obstructions and prayed to take action against them. By representation dated 27.12.2021, requesting the 1st respondent to investigate the respondents 4 to 8 and take necessary action against them as well as grant police protection. However, no action has been taken against them. In the above circumstances, the petitioner is unable to carry on with these agricultural activities and enjoy the property to the fullest. Hence, the petitioner seeks police protection.

7. As regards CrI.O.P. No.764 of 2022, learned counsel for the petitioner submitted that the petitioner viz., Sundaramurthi, who is the brother of one Puniyamurthy. The said Puniyamurthy had purchased three acres of land from Arutselvan. The petitioner and their family have been in peaceful possession of the said property and cultivating Manila nd Maravallli crops. On 04.01.2022, the respondents 4 to 7 had illegally entered the petitioner's property using tractor destroyed the Jack Fruit sapling and they began to attack the petitioner and his family members with iron rods and knives. Hence, the petitioner filed a representation before the respondent police to take action against the offenders.

8. Heard learned Counsel for the petitioner and learned Government Advocate for the respondents 1 to 3.

9. In view of the above submissions of the learned counsel for the petitioner, this Court directs the petitioners in both Criminal Original Petitions to appear before the respondent police along with documents in support of their contentions for enquiry. The respondent police is directed to issue summons to



the counter parties also, for enquiry. The Inspector of Police shall conduct a detailed enquiry and after hearing both the parties, pass appropriate orders to provide necessary police protection to the land and property of the petitioners, unless there is any other order from any competent Court in favour the respondents 4 to 8.

10. With the above directions these Criminal Original Petitions are disposed of.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

rkp

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Cuddalore, DPO, Anaikuppam,
Cuddalore.
2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Police line, Panruti.
3. The Inspector of Police,
Kadampuliyur Police Station,
Cuddalore District.
4. The Public Prosecutor,
High Court, Madras.

+2ccs to Mr.S.Manuraj, Advocate, S.R.Nos.2830 & 2833

Crl.O.P.Nos.753 & 764 of 2022

SMI (CO)
SU(24/01/2022)