



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.2335 OF 2022

Muthusamy

... Petitioner

Versus

1. The State Rep. by
The Inspector of Police,
Anamalai Police Station,
Coimbatore District.

2. S.K.Ponnusamy

... Respondents

PRAYER:-

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st respondent to give police protection to the petitioner for constructing the compound wall at his property situated at Survey No.167 of 29B, Subbey Goundenpudhur, Marchanaikkanpalayam Village, Anamalai Taluk, Anamali Sub-Reg District, Coimbatore District, by considering his representation dated 12.01.2022.

For Petitioner : Mr.S.Ashok Kumar

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the 1st respondent to give police protection to the petitioner for constructing the compound wall at his property situated at Survey No.167 of 29B, Subbey Goundenpudhur, Marchanaikkanpalayam Village, Annamalai Taluk, Anamali Sub-Reg.District, Coimbatore District, by considering his representation dated 12.01.2022.

2. The grievance of the petitioner is that when the petitioner tried to construct the compound wall on his property,



the second respondent threatened the petitioner and prevented him and he lodged a complaint before the second respondent on 10.12.2021, for which C.S.R. No.603 of 2021 was assigned. On 11.09.2022, the surveyor, Annamalai Taluk had come to his property in Survey No.167 of 29B Subbey Goundenpudhur, Marchanaikkanpalayam Village, Annamalai Taluk and the property was surveyed and boundaries were earmarked in the presence of Village Administrative Officer and the adjacent land owner K.Ponnusamy. At that time, the said Ponnusamy raised some objections stating that if compound wall is constructed, the petitioner would be done away. It is further stated that the said Ponnusamy is not allowing the petitioner to put up compound wall and hence on 12.01.2022, the petitioner submitted a representation to the first respondent to provide police protection. Since, no action has been taken by the respondents, the present petition has been filed.

3. The learned counsel appearing for the petitioner submitted that the property belonged to one Kaliyappa Gounder and he has three sons namely Varadharaj, Kuppusamy and Ponnusamy. He further submitted that they entered an oral partition and the property were sub divided and the petitioner has purchased the abovesaid property from Kuppusamy by way of registered sale deed in the year 2012 and thereafter the second respondent filed a Civil Suit in O.S.No.315 of 2013, on the file of the learned Sub Court Pollachi and the learned Sub Court, Pollachi by judgment dated 04.10.2021 had dismissed the partition suit. He further submitted that subsequent to the oral partition, the revenue records have been mutated and thereafter the said Ponnusamy had not filed any Appeal and the Judgment passed in O.S.No.315 of 2013 has become final and the petitioner as a subsequent purchaser, purchased the property of the share of Kuppusamy. It is his further contention that the petitioner had approached the Revenue Department to survey the land and the land was surveyed and boundaries were earmarked and at this stage the said Ponnusamy is obstructing the petitioner from putting up compound wall which is unreasonable.

4. The learned Additional Public Prosecutor submits that on the complaint of the petitioner dated 10.12.2021 C.S.R.No.603 of 2021 was assigned. and thereafter finding it as a Civil dispute, the complaint was closed on 11.02.2021.

5. Heard both sides. Perused the records.

6. On perusal of the materials it is seen that objections raised by Ponnusamy is unreasonable. The said Ponnusamy had earlier filed Civil Suit which has been dismissed on 04.10.2021 in OS.No.315 of 2013 and thereafter no Appeal has been filed. Further, the petitioner had paid the Survey fee on 14.10.2021



and the same was permitted to be remitted only after verifying the Revenue records by the Tahsildar. Thereafter on 11.01.2022 the surveyor along with Village Administrative Officer had surveyed the land earmarked the boundaries and the objections of the Ponnusamy in constructing the compound wall by the petitioner is unreasonable.

7. In view of the same the Inspector Police, Anamalai Police Station is directed to provide Police protection to the petitioner for construction of compound wall and to keep away Ponnusamy for making any objection unless Ponnusamy has got valid order from the Court of Law.

8. Accordingly this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rap/arr

To

1. The Inspector of Police,
Anamalai Police Station,
Coimbatore District.
2. The Public Prosecutor
High Court, Madras.

+1cc to Mr.S.Ashok Kumar, Advocate, S.R.No.7462

CRL.O.P.NO.2335 OF 2022

MT(CO)
PBS/28/02/2022