

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.06.2022

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.3297 of 2022

Illango

...Petitioner

Vs

1. The Assistant Commissioner of Police,
Selaiyur Range, Chennai 600 073.

2. The State rep. By
The Inspector of Police,
S-15, Selaiyur Police Station,
Chennai 600 073.

3. Rajammal

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents 1 and 2 to consider the petitioner's representation dated 14.07.2021 and provide adequate police protection to surveying and put up fencing in the petitioner's land in Survey No.289/1A, situated in Plot No.28, Srinivasa Nagar, Selaiyur Village, Tambaram Taluk, Chengalpattu Village, measuring to an extent of 3720 sq.feet in Document No.4442 of 1997, dated 06.10.1997 on the file of the Sub Registrar, Tambaram.

For Petitioner : Mr.R.Gokulakrishnan

For Respondents : Mr.A.Gokulakrishnan for R1 & R2,
Additional Public Prosecutor

Mr.S.V.Sugumar for R3

O R D E R

This Criminal Original Petition has been filed seeking direction to the respondents 1 and 2 to consider the petitioner's representation dated 14.07.2021 and provide adequate police protection to surveying and put up fencing in the petitioner's land.

2. It is the contention of the learned counsel for the petitioner that the third respondent repeatedly interfering with the petitioner's peaceful possession and enjoyment of the property and not even allowing the petitioner to survey his property. Hence, he seeks police protection to survey and fencing his property.

3. Mr.A.Gokulakrishnan, learned Additional Public Prosecutor would submit that there is rivalry claim between the petitioner and the third respondent.

4. Heard the learned counsel for the petitioner and the learned counsels for the respondents.

5. At the outset, this Court is of the view, such a protection cannot be granted particularly, when there is rivalry claim by the other side. Even the allegations are yet to be proved there cannot be any blanket order. In this aspect, the Hon'ble Apex Court in the case of 'PR.Muralidharan and others Vs.Swami Dharmananda Theertha Padar'' reported in 2006 4 SCC 501 as held as follows:

'...'19.A Writ for 'Police Protection" so-called, has only a limited scope, as when the Court is approached for protection of rights declared by a decree or by an order passed by a civil Court. It cannot be extended to cases where rights have not been determined either finally by the civil Court or, at least at an interlocutory stage in an unambiguous manner, and then too in furtherance of the decree or order.'

6. In view of the above, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

shk/ham

To

1. The Assistant Commissioner of Police,
Selaiyur Range, Chennai 600 073.

2. The Inspector of Police,
S-15, Selaiyur Police Station,
Chennai 600 073.
3. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.3297 of 2022

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NSK/11/07/2022