

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.4867 of 2022

Radha

... Petitioner

Vs.

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

2. The Inspector of Police,
Thirunavalur Police Station,
Kallakurichi District.

3. Pandurangan

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., pleaded to issue direction to the respondents 1 and 2 herein to give necessary Police protection to the petitioner to cultivate and cut the trees lying in the lands situated at Survey No.29/5 of an extent of 0.30 ½ cents Iyyan Survey No.29/3 of an extent of 0.15 cents and S.No.29/3 of an extent of 0.91 ½ cents in Periyapattu Village and S.No.48/10 of an extent of 0.14 cents and S.No.52/15 of an extent of 0.07 ½ cents in Devananthal Village, Ulundurpet Taluk.

For Petitioner : Ms.T.Ghana Banu

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

ORDER

This Criminal Original Petition has been filed seeking to direct the respondent Police to give Police protection to the petitioner.

2. The learned counsel for the petitioner submitted that the petitioner is the owner of the property situated at Survey No.29/5 of an extent of 0.30 ½ cents Iyyan Survey No.29/3 of an extent of 0.15 cents and S.No.29/3 of an extent of 0.91 ½ cents in Periyapattu Village and S.No.48/10 of an extent of 0.14 cents

and S.No52/15 of an extent of 0.07 ½ cents in Devananthal Village, Ulundurpet Taluk. The third respondent was disturbing his possession with the help of rowdy elements and interfering with the petitioner's property and regarding the same, he had made a representation to the respondent Police. Since no action has been taken, the present petition has been filed seeking for protection.

3. Mr.A.Gokulakrishnan, learned Additional Public Prosecutor submitted that there is a dispute between the brothers and the parties were advised to approach the civil court.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents Police.

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

ham/shk

To

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

2. The Inspector of Police,
Thirunavalur Police Station,
Kallakurichi District.
3. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.4867 of 2022

RLD(CO)
CT/12/07/2022