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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 9/6/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.9001 of 2022

R. Pandiyan

... Petitioner

Vs

1. The Superintendent of Police
Dharmapuri District
Dharmapuri.

2. The Inspector of Police (L & O)
Harur Police Station
Dharmapuri District.

3. N. VEDIYAPPAN

4. G. THANGARASU

5. MOHAN

6. MADHU

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to direct the first and second respondents to provide Police protection to the petitioner as Hereditary Trustee of Rajaganapathy Temple Administration situated at Harur Town, Harur Taluk, Dharmapuri District.

For Petitioner : Mr.K.Nagarajan

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor
for R.R.1 and 2.

O R D E R

This Criminal Original Petition has been filed to direct the first and second respondents to provide Police protection to the petitioner as Hereditary Trustee of Rajaganapathy Temple Administration situated at Harur Town, Harur Taluk, Dharmapuri District.



2. Heard Mr.K.Nagarajan, learned counsel appearing for the petitioner and Mr.A.Gokulakrishnan, learned Additional Public Prosecutor for the respondents 1 and 2.

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3. The learned counsel appearing for the petitioner submitted that he is a hereditary trustee and third respondent is causing disturbance to his possession. Therefore, he seeks for Police protection.

4. 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. The practice of granting the blanket police protection without establishing title leads to serious consequences. 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 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.''

5. On a perusal of the typed set, the petitioner has already filed a suit for bare injunction and there was a rivalry claim between the parties.

6. In such a view of the matter, this Criminal Original Petition is dismissed. If aggrieved, the petitioner is at liberty to approach the Civil Court.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

mvs.



To

1. The Superintendent of Police
Dharmapuri District
Dharmapuri.
2. The Inspector of Police (L & O)
Harur Police Station
Dharmapuri District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.N.S.Jayanthi, Advocate, S.R.No.34344

Cr1. O.P. No.9001 of 2022

BK(CO)
UMA(21/06/2022)