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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2022

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.9140 OF 2022

M.Govindarasu
S/o.Mannika Gounder

... Petitioner

Versus

1. The Superintendent of Police,
Kallakurichi,
Kallakurichi District.
2. The Inspector of Police,
Thiyagathuruvam Police Station,
Thiyagathuruvam,
Kallakurichi District.
3. The Tahsildar,
Sankarapuram Taluk,
Kallakurichi District.
4. The Taluk Surveyor,
Sankarapuram Taluk,
Kallakurichi District.
5. Dhanasekaran
S/o.Ramagounder
6. Sivaraman
S/o.Ramagounder

... Respondents

PRAYER:-

Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents Nos.1 and 2 to provide necessary police protection to the 4th respondent to conduct survey on the petitioner's land comprising in Survey No.144/9A (0.12 ½ cents), Survey No.144/1A, 144/1B, 144/2 (0.53 ½ cents), Survey No.144/1A, 144/1B, 144/2 (53 ½ cents) totally acre 1.19 ½ cents situated at Pallagachcheri Village, Sankarapuram Taluk, Kallakurichi District for fencing and survey based on the



representation dated 30.03.2022 in accordance with law within the time to be stipulated by this Hon'ble Court.

For Petitioner : Mr.S.Venkatesh

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor
For R1 to R4

No Appearance
For R5 & R6

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O R D E R

This Criminal Original Petition has been filed seeking a direction directing the respondents 1 and 2 to provide police protection to the 4th respondent to conduct survey on the petitioner's land for fencing and survey based on the representation dated 30.03.2022 in accordance with law.

2. This court is of the view that, the Apex Court in a judgment reported in 2006 (4) SCC 501 [P.R.Muralidharan and others vz. Swami Dharmananda Theertha Padar and others], has held in para 19 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."

3. In such view of the matter, blanket order of police protection cannot be granted. It is well open to the petitioner to approach the civil court to file an appropriate petition or suit to survey the land for demarcation of property. With the above observation, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rpp



To

1. The Superintendent of Police,
Kallakurichi,
Kallakurichi District.
2. The Inspector of Police,
Thiyagathuruvam Police Station,
Thiyagathuruvam,
Kallakurichi District.
3. The Tahsildar,
Sankarapuram Taluk,
Kallakurichi District.
4. The Taluk Surveyor,
Sankarapuram Taluk,
Kallakurichi District.
5. The Public Prosecutor,
High Court, Madras.

CRL.O.P.NO.9140 OF 2022

KJ(CO)
PBS/05/07/2022