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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.9520 of 2022

Radhamma

... Petitioner

Vs

1. The Superintendent of Police
Office of the Superintendent of Police
Krishnagiri.
2. The Deputy Superintendent of Police
Krishnagiri District.
3. The Inspector of Police
Uddanapalli Police Station
Uddanapalli, Soolagiri Taluk
Krishnagiri District.
4. Chinnaiya
5. Nagamma
6. Venkatesh
7. Harish

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondents 1 to 3 to provide Police protection to the petitioner for surveying and measuring her property in S.No.396/1 measuring to an extent of 0.57.90 Hec (Acre 1.43 cents) situated at Thiyanadurkkam Village, Soolagiri Taluk, Krishnagiri District by the revenue authorities as per the petitioner's complaint dated 19/4/2022.

For Petitioner : Mr.M.Mohamed Riyaz

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor
for R.R.1 to 3.

No appearance
for R.R.4 to 7



O R D E R

This Criminal Original Petition has been filed to direct the respondents 1 to 3 to provide Police protection to the petitioner for surveying and measuring her property in S.No.396/1 measuring to an extent of 0.57.90 Hec (Acre 1.43 cents) situated at Thiyananadurkkam Village, Soolagiri Taluk, Krishnagiri District by the revenue authorities, as per the petitioner's complaint dated 19/4/2022.

2. Heard Mr.M.Mohamed Riyaz, learned counsel appearing for the petitioner and Mr.A.Gokulakrishnan, learned Additional Public Prosecutor for the respondents 1 to 3.

3. The learned counsel appearing for the petitioner submitted that there is no dispute with regard to the title. Merely on the submission of the learned counsel appearing for the petitioner, this Court cannot grant the relief as sought for by the petitioner.

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. By virtue of the above referred order, Police protection cannot be granted. It is well open to the petitioner to file necessary application or suit under The (Tamil Nadu) Survey and Boundaries Act, 1923, before the competent Civil Court for demarcation.



6. In the result, this Criminal Original Petition is dismissed.

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Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The Superintendent of Police
Office of the Superintendent of Police
Krishnagiri.
2. The Deputy Superintendent of Police
Krishnagiri District.
3. The Inspector of Police
Uddanapalli Police Station
Uddanapalli, Soolagiri Taluk
Krishnagiri District.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Mohamed Riyaz, Advocate, S.R.No.34062

Cr1. O.P. No.9520 of 2022

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