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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 16/6/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.9733 of 2022

S. Thenmalar

... Petitioner

Vs

1. The Superintendent of Police
The Office of the Superintendent of Police
Tirupur, Tirupur District.
2. The State
rep. By The Inspector of Police
Kangayam Police Station
Tirupur District.
3. Chandrasekar
4. Nataraj
5. Vishwanathan
6. Easwaran
7. Karunamurthy
8. Palaniammal
9. Subramanian

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to direct the first and second respondents to provide Police protection to survey the property comprised in S.Nos.122/A2, A 9, 139/C, E, F, A4, A6, which is belonged to the petitioner.

For Petitioner
For Respondents

... Mr.N.Stalin
... Mr.A.Gokulakrishnan
Additional Public Prosecutor
for R.R.1 and 2.

Mr.R.Prabhakar
for R.R.3 to 9.

O R D E R

This Criminal Original Petition has been filed to direct the first and second respondents to provide Police protection to survey the property comprised in S.Nos.122/A2, A 9, 139/C, E, F, A4, A6, which is belonged to the petitioner.



2. Heard Mr.N. Stalin, learned counsel appearing for the petitioner and Mr.A.Gokulakrishnan, learned Additional Public Prosecutor for the respondents 1 and 2 and Mr.R.Prabhakar, learned counsel for the respondents 3 and 4.

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3. The learned counsel appearing for the petitioner submitted that despite his repeated representations, the respondent Police has not taken any action.

4. Merely on the submission of the learned counsel appearing for the petitioner, this Court cannot grant the relief as sought for by the petitioner. 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.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mvs.



To

1. The Superintendent of Police
The Office of the Superintendent of Police
Tirupur
Tirupur District.

2. The Inspector of Police
Kangayam Police Station
Tirupur District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Prabhakar, Advocate, S.R.No.36319

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JPL(CO)
CT/29/06/2022