



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20/6/2022

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.9514 OF 2022

A.R.K.Varatharajan

... Petitioner

.Vs.

1. The Commissioner of Police,  
Salem District.

2. The Inspector of Police,  
Suramangalam Police Station,  
Salem District.

3. P.Ganeshan

... Respondents

PRAYER:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the second respondent to conduct enquiry and provide adequate police protection to the petitioner for measurement of the petitioner's property based on the petitioner's complaint dated 25/3/2022 and take appropriate action in accordance with law.

For Petitioner : Mr.A.Rajakumar

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 second respondent to conduct enquiry and provide adequate police protection to the petitioner for measurement of the petitioner's property based on the petitioner's complaint dated 25/3/2022 and take appropriate action in accordance with law.

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



3. The learned counsel appearing for the petitioner submitted that the petitioner is the absolute owner of the property bearing S.No.245/8 to the extent of 17000 sq. feet and T.S.L.R.No.21 situated in Jazir Ammapalayam Village, Salem west Taluk and District. He further submitted that the petitioner approached the authorities concerned and requested for measurement of the aforesaid property. Since the officials replied that without Police protection, they can't measure the property. Hence the petitioner has come forward with this petition.

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(CCC)

//True Copy//

Sub Assistant Registrar

mvs



To

1. The Commissioner of Police,  
Salem District.
2. The Inspector of Police,  
Suramangalam Police Station,  
Salem District.
3. The Public Prosecutor,  
High Court, Madras.

CRL.O.P.NO.9514 OF 2022

AJB (CO)  
PBS/29/06/2022