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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.13905 OF 2022

Veeramuthu

... Petitioner

.Vs.

1. The Superintendent of Police,
Cuddalore District,
Cuddalore.
2. The Inspector of Police,
Ramanatham Police Station,
Cuddalore district.
3. Patchaiyammal
4. Lakshmi
5. Narayanasamy
6. Chitra
7. Periyasamy
8. Selammal

... Respondents

PRAYER:-

This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent 1 and 2 to provide police protection to the petitioner to fencing around his property bearing Natham Survey No.89/1B1 measuring about 0.011 Acres situated in Ma.Podaiyur Village, Thittakudi Taluk, Cuddalore District, by considering the representation of the petitioner dated 02.05.2022 in accordance with law pending on the file of the respondent 1 and 2.

For Petitioner : Mr.M.Velmurugan

For Respondents : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. side)



O R D E R

This Criminal Original Petition has been filed to direct the respondents 1 and 2 to provide police protection to the petitioner to fence around his property bearing Natham Survey No.89/1B1 measuring about 0.011 Acres situated in Ma.Podaiyur Village, Thittakudi Taluk, Cuddalore District, by considering the representation of the petitioner dated 02.05.2022.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2 and perused the materials available on record.

3. It appears that there is a rival claim between the petitioner and the respondents 3 to 8 in respect of demarcation of boundary line.

4. At the outset, this Court is of the view, such a protection cannot be granted particularly, when there is rival claim by the other side. The practice of granting the blanket police protection particularly, immovable property 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 501 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. In such view of the matter, this Criminal Original Petition is dismissed. However, liberty is given to the petitioner to approach the Civil Court for appropriate relief.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

nr/ksa-2



To

1. The Superintendent of Police,
Cuddalore District,
Cuddalore.
2. The Inspector of Police,
Ramanatham Police Station,
Cuddalore district.
3. The Public Prosecutor,
High Court of Madras.

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SKM(CO)
PBS/08/07/2022