

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2022

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

Cr1.O.P.No.14538 of 2022

A.Magesh

... Petitioner

Vs.

1.The State rep by its
The Inspector of Police,
Thiruvenkadu Police Station,
Mayiladuturai District.

2.Mr.K.Karunakaran

3.K.Manokaran

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent to provide necessary police protection to the petitioner and his lease holder to cut down the casuarina trees which stands on the petitioner's land in S.No.75 situated in Radhanallur Village, Seerkazhi Taluk, Mayiladuthurai District.

For Petitioner : Mr.P.Vijendran

For Respondents : Mr.A.Gokulakrishnan for R1
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the first respondent to provide necessary police protection to the petitioner and his lease holder to cut down the casuarina trees which stands on the petitioner's land in S.No.75 situated in Radhanallur Village, Seerkazhi Taluk, Mayiladuthurai District.

2. The learned Additional Public Prosecutor appearing for the first respondent would submit that based on the complaint, enquiry has been conducted and the same has been closed as civil in nature. He would further submit that there is rivalry claim between the parties.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the first respondent.

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. Even the allegations are yet to be proved there cannot be any blanket order. 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 view of the above, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

nr/shk

To

1.The Inspector of Police,
Thiruvenkadu Police Station,
Mayiladuturai District.

2.The Public Prosecutor,
High Court of Madras,
Chennai.

CrI.O.P.No.14538 of 2022

PMK (CO)
PR (18/07/2022)