



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.18989 of 2021

Nagappa

... Petitioner

Vs.

1. The Superintendent of Police,
Krishnagiri District,
Krishnagiri.
2. The Deputy Superintendent of Police,
Denkanikottai, Krishnagiri District.
3. The Inspector of Police,
Denkanikottai Police Station,
Denkanikottai, Krishnagiri District.
4. Ramesh
5. Muniyappa
6. Rajakannan
7. Thotttilappa
8. Sikkalappa
9. Pasappan
10. Munusamy

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondents 1 to 3 to provide police protection to the petitioner and for fencing his agriculture land in S.No.153 to the extent of 0.26.5 Hectare situated at Maragatta Village, Noganur, Denkanikkottai Taluk on the complaint made by the petitioner dated 24.09.2021.

For Petitioner : Mr.S.Doraiswamy

For Respondents: Mr.L.Baskaran,
Government Advocate (CrI.Side)
for R1 to R3

: Mr.P.Mani for R4 to R6, R9 and R10



O R D E R

This petition has been filed seeking police protection to fence the agricultural land comprised in Survey No.153 measuring an extent of 0.26.5 Hectare situated at Maragatta Village, Noganur, Denkanikkottai Taluk.

2. According to the petitioner, he is a poor Agriculturist. In the year 1989, the petitioner preferred an application to the Tahsildar, Denkanikottai under Tamil Nadu Revenue Standing Order 15 requesting to allot a land for cultivation. Considering the said requests, the Thasildhar, Denkanikottai after conducting enquiry on 27.08.2019 has issued a patta No.1019 "D" Form assigning the land comprised in Survey No.153 situated in Maragatta Village, Noganur, Denkanikkottai Taluk, Krishnagiri District measuring an extent of 0.25.5 hectares in favour of the petitioner by imposing certain conditions.

3. On the date of assignment, the petitioner was in possession and enjoyment of the said property. While being so, the revenue officials and other public disturbed the possession and also enjoyment in the said property and also the private persons threatened to bury the dead bodies as the said land is classified as burial ground for Adi Dravidar Community. Therefore, the petitioner has filed the Writ Petition in WP.No.36173 of 2003 and this Court by its Order dated 26.06.2012, disposed the writ petition with an observation that the reason to allow the subject land to the public belonging to the Adi Dravidar Community for a burial ground seemed to have been taken long back. It is not known as to whether the revenue authorities are interested in pursuing the proposal stated to have been sent for cancellation of said assignment. In any event, the respondents shall not disturb the possession and enjoyment of the subject property assigned to the petitioner until appropriate orders of cancellation are passed.

4. Again, the petitioner has filed a Writ Petition before this Court in WP.NO.8077 of 2018 forbearing the revenue officials from evicting the petitioner and permitting to bury the dead body in the subject property. This Court by its order dated 10.02.2021, after recording the counter affidavit filed by the Tassildar, Denkanikottai Taluk, Krishnagiri citing that at no point of time, the respondent disturbed the possession of the petitioner and the enjoyment of the property. Now, the petitioner seeking police protection at the hands of the respondents 4 to 10. The allegation that they are admitting to bury the dead body infact they have already burried several dead bodies in the subject land.



5. The learned Government Advocate (Crl.Side) submitted that the so far no complaint has been received from the petitioner seeking police protection. Though it is seen from the above orders passed by this Court, the petitioner was allotted the subject land and thereafter no order has been passed to cancel the said land assigned in favour of the petitioner. However, the contention of the petitioner is that the private respondents namely 4 to 10 are disturbing the possession and enjoyment of the subject property and attempted to bury the dead body in the subject land. Therefore, the petitioner ought to have approached the Civil Court for proper relief against the accused persons. If at all any crime is committed by them he can very well lodge a complaint before the Jurisdictional Police and on receipt of same, the Jurisdictional Police is directed to take appropriate action against the accused persons.

6. With the above directions, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

Vv

To

1. The Superintendent of Police,
Krishnagiri District, Krishnagiri.
2. The Deputy Superintendent of Police,
Denkanikottai, Krishnagiri District.
3. The Inspector of Police,
Denkanikottai Police Station,
Denkanikottai, Krishnagiri District.
4. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.S.Doraisamy, Advocate, S.R.No.33898

+1cc to M/s.P.Mani, Advocate, S.R.No.33881

Crl.O.P.No.18989 of 2021

RSV(CO)

UMA(01/07/2022)