



Crl.O.P.No.25344 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 20.10.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.25344 of 2022

V.K.Ragupathi

...

Petitioner

/vs/

1.State Rep. by:
The Superintendent of Police,
Cuddalore District.

2.The Inspector of Police,
Thittakudi Police Station,
Cuddalore District.

3.Selvarasu

4.Raja

5.Valliyammai

6.Shoba

7.Rani

8.Boomi

9.Azhagammal

10.Rasu



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11.Ambedkar

12.Boologam

13.Sathish

14.Meenakshi

15.Asalambal

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the respondents to give police protection to the petitioner for fencing the land measuring 77 cents comprised in Survey No.218 situated at Vathishtapuram Village, Thittakudi Taluk, Cuddalore District based on the petitioner's representation dated 29.09.2022.

For Petitioner :Mr.G.Balamanikandan

For Respondents : Mr.A.Damodaran,
Addl. Public Prosecutor for R1 & R2

ORDER

This Criminal Original Petition has been filed to direct the respondents to give police protection to the petitioner for fencing the land measuring 77 cents comprised in Survey No.218 situated at Vathishtapuram Village, Thittakudi Taluk, Cuddalore District based on the petitioner's representation dated 29.09.2022.



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2. The learned counsel for the petitioner submitted that the petitioner is in possession and enjoyment of the above said property; in this regard, the petitioner has filed a writ petition in W.P.No.18741 of 1997, seeking a writ of mandamus forbearing the Government respondents from interfering with his possession and enjoyment over the subject property. In the said petition, the Court has passed the following order:

“The possession of the land in question with the petitioner cannot be interfered with without following due process of law and the petitioner is entitled to the prayer sought for in the writ petition.”

3. It is the claim of the respondents that the subject property is a poromboke land in which the petitioner is in occupation. So far as the above writ petition is concerned, the prayer of the petitioner is that his possession over the same should not be disturbed without due process of law. But now the petitioner has filed this petition seeking police protection for fencing the land that was prevented by the Government authorities.



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4. A person who is in occupation of the Government Poromboke land cannot be evicted except under due process of law. But at the same time, a person in occupation of the Government lands cannot assert his possession by fencing or doing any other act without getting any declaration as to his title from the competent Court.

5. The learned counsel for the petitioner also submitted that a civil suit in this regard has been filed by the petitioner in O.S.No.92 of 2013 before the learned District Munsif, Thittakudi and in which, the defendants are the private respondents of this petition; the petitioner has given a representation for giving police protection only to fence his lands.

6. The petitioner cannot claim any police protection without asserting his title over the subject property. Since such activity cannot be undertaken by the petitioner without asserting his title, it is understandable that the police has not given any protection. Hence I find no reason to give a direction for providing police protection. However, the petitioner is at liberty to implead the Government respondents also as parties to the suit already pending and seek appropriate remedy before the Civil Court. Only



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after the petitioner gets appropriate order from the Civil Court, he can seek police protection, if his possession over the property is disturbed in violation of the orders of the Court.

7. With the above observations, this Criminal Original Petition is closed.

20.10.2022

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

gsk/shk

To

1.The Superintendent of Police,
Cuddalore District.

2.The Inspector of Police,
Thittakudi Police Station,
Cuddlare District.

3.The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA ,J.

gsk/shk

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