



WEB COPY



Crl.O.P.No.25639 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.25639 of 2022

P.Rajamanickam

...

Petitioner

/vs/

1.The Inspector of Police,
Konganapuram Police Station,
Edappadi Taluk,
Salem District.

2.Saraswathi

3.P.Saravanan

...

Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the first respondent police to grant adequate police protection for surveying the petitioner's property bearing Plot No.29 (3,175 sq.ft) and Plot No.30 (3,910 ¼ Sq.ft) totaling an extent of 7,085 ¼ Sq.ft, comprised in Survey No.81/2, Konganapuram Village, Edappadi Taluk, Salem District, based on the complaint given by the petitioner dated 10.05.2022 on the file of the first respondent police.

For Petitioner

... Mr.N.Vijaya Basker

For Respondents

... Mr.A.Damodaran,
Addl. Public Prosecutor for R1



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ORDER

This Criminal Original Petition has been filed to direct the first respondent police to grant adequate police protection for surveying the petitioner's property bearing Plot No.29 (3,175 sq.ft) and Plot No.30 (3,910 ¼ Sq.ft) totaling an extent of 7,085 ¼ Sq.ft, comprised in Survey No.81/2, Konganapuram Village, Edappadi Taluk, Salem District, based on the representation given by the petitioner dated 10.05.2022 on the file of the first respondent police.

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

3. The learned counsel for the petitioner submitted that the petitioner acquired the above said property by virtue of a sale deed dated 28.02.2011; due to the hindrance caused by the respondents 2 and 3 for measuring the property, the necessity arose for seeking police protection.

4. The allegations made in the petition is purely a cause of action for filing a civil suit for permanent injunction against the private respondents.



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Only if the petitioner's lawful possession / title is protected by an order of the Court, it can be appropriate for the police to provide police protection.

Without obtaining the said order, if the police interferes and gives protection, that will amount to interfering in the civil dispute. If the troubles caused by the private respondents amounts to criminal offence, it is upto the petitioner to file a complaint for initiating action by the police. Baring that, no police protection can be given unless the petitioner produces the order of a civil Court in support of his contentions.

5. 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



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R.N.MANJULA ,J.

gsk/shk

To

1.The Inspector of Police,
Konganapuram Police Station,
Edappadi Taluk,
Salem District.

2.The Public Prosecutor,
High Court, Madras.

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