



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.25986 of 2021

Venkatesan

... Petitioner

Versus

1. State rep. by
The Inspector of Police,
Rural Police Station,
Tirupathur.

2. Murugan

3. Nagaraj

4. Panneerselvam

5. Paramasivam

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the first respondent herein to provide police protection for surveying the lands of the petitioner in S.F.Nos.252/1C, 252/1D and 251/1B situate at Athiyur Village, Thirupathur Taluk and District by the Revenue Authorities.

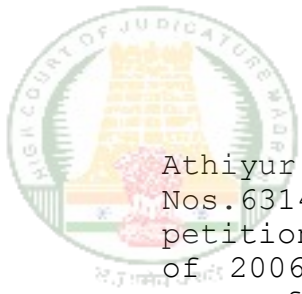
For Petitioner : Mr.K.Govi Ganesan

For R1 : Mr.E.Raj Thilak
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the first respondent herein to provide police protection for surveying the lands of the petitioner in S.F.Nos.252/1C, 252/1D and 251/1B situate at Athiyur Village, Thirupathur Taluk and District by the Revenue Authorities.

2.The contention of the petitioner is that the petitioner had purchased a property to an extent of 0.37 acres in S.F.No.25/1B and 1 acre in S.F.No.252/1D situated at



Athiyur Village, Thirupathur Taluk through Document Nos.6314/2005 and 1489/2006, from one Purushothaman. The petitioner's vendor Purushothaman had filed a suit in O.S.No.152 of 2006 before the District Munsif Court, Thirupathur against some of the private respondents, who had casted cloud over his title. The learned District Munisf, Thirupathur by Judgment dated 26.09.2011 had decreed the suit in favour of the petitioner's vendor. The revenue records were mutated in the name of the petitioner and the patta bearing Nos.909 and 1912 were issued in the petitioner's name by the Revenue Authorities.

3.He further contended that the petitioner wanted to survey and measure the above said lands and to fix his boundaries and to fence his property. For which, he made an application before the Tahsildar and Firka Surveyor. Thereafter, the Revenue officials had issued a challan for the petitioner to make the payment for survey charges. The survey fees were remitted in State Bank of India, Thirupathur Branch on 07.08.2021. Thereafter, the Firka Surveyor had issued notice to respondent Nos.2 to 5 that on 04.09.2021, the survey was to be taken, boundaries to be fixed, if in case the respondent Nos.2 to 5 have any objections they can make their objections with relevant records. The respondent Nos.2 to 5 appeared on 04.09.2021 and they had objected for survey without any valid reason and records. Further, they threatened the Firka Surveyor and Revenue officials to carry out their official duty. The Firka Surveyor informed the petitioner that unless he obtained the police protection order, he may not come and survey the property. Hence, the petitioner had sent a representation to the respondent police on 15.12.2021, but no action has been taken.

4.The learned Additional Public Prosecutor submits that the petitioner had sent a representation through registered post. Hence the veracity of the petitioner's contention could not be verified. Therefore, the petitioner has to appear before the respondent police and produce the documents and on verification of the same, the respondent police would take appropriate action.

5.Considering the submissions and on perusal of the materials, it is seen that the Tahsildar permitted the petitioner to remit the survey charges, which have been normally done. Thereafter the Revenue Officials and the Firka Surveyor had visited the property, before that the Firka Surveyor had issued advance notice to the respondent Nos.2 to 5. The respondent Nos.2 to 5 had raised any objection with regard to the advance notice sent. The respondent Nos.2 to 5 have no authority to obstruct the functioning of the public servants, without any valid reason or order of Court. In view of the



same, the petitioner is directed to appear before the respondent police along with the copy of the representation and other relevant documents. Thereafter the respondent police is directed to consult the Revenue authorities and fix a date and give proper protection and security, after due enquiry, for surveying the petitioner's land.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Rural Police Station,
Tirupathur.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Govi Ganesan, Advocate, S.R.No.186

CRL.O.P.No.25986 of 2021

RSV(CO)
CT 11/01/2022