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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P. No. 29824 of 2019

Kumaran

... Petitioner

Versus

1.The State rep. by
The Inspector of Police,
Pappireddipatti Police Station,
Dharmapuri District.

2. Jayaraman
3. Malliga
4. Karthikeyan
5. Sathiya
6. Sakthivel

... Respondents

Prayer:- Criminal Original petition is filed under Section 482 of Cr.P.C. to direct the 1st respondent to conduct enquiry and give police protection to the petitioner for fencing his property in S.No. 251/3A1 measuring an extent of Hectare 0.47.5, S.No.251/3A2 measuring an extent of Hectare 0.04.5, S.No.251/3A3 measuring an extent of Hectare 0.49.5 including well, Menasi Village, Pappireddipatti Taluk and Dharmapuri District in view of the petitioner's complaint dated 24.10.2019

For petitioner : Mr.V.Sakkarapani

For respondent : Mr.N.S.Suganthan
R-1 Government Advocate (Crl.Side)

For respondents: Mr.Arun Anbumani
R-2 to R-6

O R D E R

The petitioner has filed this application praying to direct the 1st respondent to conduct enquiry and give police protection to the petitioner for fencing his property in S.No. 251/3A1 measuring an extent of Hectare 0.47.5, S.No.251/3A2 measuring an extent of Hectare 0.04.5, S.No.251/3A3 measuring an extent of Hectare 0.49.5 including well, Menasi Village, Pappireddipatti



2. Heard both sides, the learned counsel for the petitioner submits that he has filed a suit for declaration and permanent injunction in O.S.No.102/2011 before the District Munsif cum Judicial Magistrate, Pappireddipatti, against the private respondents herein and the said suit was decreed in his favour against which the respondent preferred appeal and the appeal also dismissed, this fact also admitted by the private respondent counsel who appearing for R-2 to R-6.

4. The learned counsel for the respondents 2 to 6 submits that, because of the attitude of the petitioner, they also not able to enjoy the property. After getting decree, two FIR was lodged in Crime No.308 of 2015 and in Crime No.45 of 2020, all were arose against the petitioner and the respondent 2 to 6, with regard to putting up the fence around the property of the petitioner. Considering those facts, subsequent developments and the complaint arose between parties which reveals that some misunderstanding arose between parties with regard to the laying of the fence within boundary belongs to this petitioner.

5. On seeing the typed set at page 22, four boundary given by the petitioner for his property shows that the Western boundary is belongs to the second respondent Jayaraman, since he being one of the party having boundary, the dispute is subsequently developed between the parties, so in order to multiplicity of the proceedings, this court is inclined to give police protection to the petitioner at his cost to lay fencing around the property as described in the plaint schedule at page 22, however at the time of fencing, should not cause any annoyance to the respondent 2 to 6.

6. Hence, the first respondent is directed to give proper necessary police protection to the petitioner lay the fence for his property as described in the plaint schedule (Page 22) of the typed set without causing any nuisance to the respondent 2 to 6 and also should not cause any hindrance to pathway rights. Entire cost to utilize Police power is to be paid by the petitioner.



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7. Accordingly, this Criminal Original Petition is ordered.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

dsn

To

1. The Inspector of Police,
Pappireddipatti Police Station,
Dharmapuri District.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Sakkarapani, Advocate SR.No.18526

+1cc to Mr.Arun Anbumani, Advocate SR.No.18646

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GSM(CO)
GMY(06/04/2022)