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Crl.O.P.No.31130 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

Crl.O.P.No.31130 of 2022

M.Athiyappa Gounder

... Petitioner

Vs.

1. The District Superintendent of Police,
Office of Superintendent of Police,
Namakkal.
2. The Inspector of Police,
Pudhu Chatthram Police Station,
Namakkal District.
3. Ramasamy
4. Ponnu @ Palaniyammal

... Respondents

Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondents 1 & 2 to consider his representation dated 21.11.2022 and to give police protection enabling him to put up fence around his punja land comprised in Survey No.312/4B, admeasuring 1.08.0 hector situated in Kathiranallur Village, Pudusathiram, Namakkal District.

For Petitioner : Mr.P.Sesubalan Raja

For Respondents : Mr.S.Santhosh,
Govt. Advocate (Crl.Side) for R1 & R2



Crl.O.P.No.31130 of 2022

ORDER

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This Criminal Original Petition has been filed seeking direction against the respondents 1 & 2 to consider his representation dated 21.11.2022 and to give police protection enabling him to put up fence around his punja land comprised in Survey No.312/4B, admeasuring 1.08.0 hector situated in Kathiranallur Village, Pudusathiram, Namakkal District.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents 1 & 2.

3. The learned counsel for the petitioner submitted that earlier there was a civil dispute between the petitioner and the private respondents 3 & 4 and in view of that, the petitioner has filed a suit in O.S.No.520 of 2011 on the file of the Additional District Munsif Court, Namakkal seeking the reliefs of declaration and recovery of possession of the encroached portion; the said suit was decreed in favour of the petitioner and the respondents 3 & 4 were ordered to hand over the possession of the portion under their encroachment to the petitioner; subsequently, the petitioner had also filed an Execution Petition to execute the decree in R.E.P.No.63 of 2015 and delivery has also been effected; even thereafter, the respondents 3 & 4, who were the parties to the earlier suit, created trouble when the petitioner started to put up fence the



Crl.O.P.No.31130 of 2022

property; hence, the petitioner sent a representation to the first respondent on 21.11.2022 and so far no action has been taken on the petitioner's representation.

4. The learned Government Advocate (Crl.Side) appearing for the respondents 1 & 2 submitted that on the representation given by the petitioner, current paper enquiry in H2/3014/24717/SP/NMKL/22 and action will be taken shortly.

5. Since the petitioner has stated that the dispute between himself and the respondents 3 & 4, were already resolved by virtue of the decree of the Civil Court and on the strength of which, the petitioner had also taken delivery of the property, the respondents 1 and 2 could have considered the same. Since the respondents 1 and 2 have not taken any action on the representation given by the petitioner despite CSR has been assigned, I feel that it is appropriate to direct the respondents 1 & 2 to complete the enquiry within a period of two weeks and do the needful in accordance with law.

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

16.12.2022

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Crl.O.P.No.31130 of 2022

R.N.MANJULA, J.

kmi

To

1. The District Superintendent of Police,
Office of Superintendent of Police,
Namakkal.
2. The Inspector of Police,
Pudhu Chatthram Police Station,
Namakkal District.
3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.31130 of 2022

16.12.2022