



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.725 of 2022

A.Sahul Hammed

... Petitioner

Vs.

1.The Superintendent of Police,
Dindigul District,
Dindigul.

2.The Inspector of Police,
Taluk Police Station,
Dindigul District.

... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondents to provide necessary police protection to fence the petitioner's property along with petitioner's private pathway situated in Patta No.4591, 4592, 4590, 4593 & 4589.

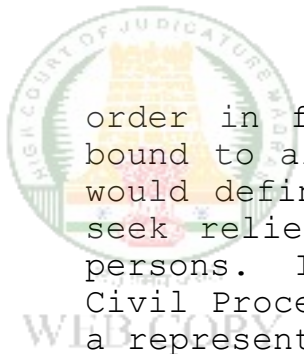
For Petitioner : Mr.I.Abrar MD Abdullah
For Respondents : Mr.M.Sakthi Kumar,
Govt. Advocate (Crl. Side).

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondents.

2. The case of the petitioner is that he wants to enclose his own patta lands and since that is being prevented by some of the local persons, he wants this Court to direct the police to give him protection.

3. Since the petitioner is not having any enforceable order or decree from the jurisdictional civil court, I am not in a position to grant relief under Section 482 of Cr.P.C., If the petitioner approaches the jurisdictional civil court, the civil court is directed to number the suit without any delay and dispose of the petitioner's IA on merits and in accordance with law within a period of six weeks thereafter. If the civil court grants any injunction



order in favour of the petitioner, the second respondent is duty bound to aid the petitioner to enforce the same. The civil court would definitely bear in mind that it is open to the petitioner to seek relief of injunction even against an indeterminate class of persons. In that event, a representative suit has to be filed. The Civil Procedure Code permits even some of the persons to be named in a representative capacity as defendants. Even though the petitioner has enclosed quite a few documents to sustain his claim of possession and title over the petition mentioned land, for the reasons mentioned above, I relegate him to move the jurisdictional civil court to work out his rights.

4. With such liberty to the petitioner, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

rmi

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The Superintendent of Police,
Dindigul District,
Dindigul.
- 2.The Inspector of Police,
Taluk Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.J.SENTHIL KUMARIAH, Advocate (SR-1404[F] dated 12/01/2022)

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12.01.2022