



Crl.O.P.(MD) No.18748 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.11.2022

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THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.18748 of 2022

P.Selvi

...Petitioner

VS

1. The Superintendent of Police
O/o. The Superintendent of Police,
Madurai Road, Theni.

2. The Deputy Superintendent of Police
O/o.The Deputy Superintendent of Police
Theni, Theni District.

3. The Inspector of Police
Theni Allinagaram Police Station
Theni, Theni District
(Amended as per the order of this Court dated 07.11.2022
in Crl.M.P(MD) No.13346 of 2022 in
Crl.O.P(MD) No.18748 of 2022 by SSKJ)

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to give direction to the Respondents to provide and police protection to life and limb of the Petitioner and her property in Survey No. 2230/2 in patta No.330 measuring to an extent of 1207 Sq.Ft situated at Vadaveeranaickenpatti, Periyakulam taluk of Theni Distrit on the basis of the Petitioner's complaint dated 09.10.2022



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For Petitioner : Mr.K.Safar Badhusha
For R-1 : Mr.R. Sivakumar
Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed to give direction to the Respondents to provide and police protection to life and limb of the Petitioner and her property in Survey No.2230/2 in patta No.330 measuring to an extent of 1207 Sq.Ft situated at Vadaveeranaickenpatti, Periyakulam taluk of Theni Distrit on the basis of the Petitioner's complaint dated 09.10.2022

2. It is the contention of the learned Counsel for the Petitionr that the villagers had constructed temple encroaching the house site of the Petitioner. Therefoe she had moved a petition in W.P(MD) No.1026 of 2022 and this Court by an order dated 04.08.2022 had issued the certain directions, which reads as follows:

“(I) The survey authority will issue notice to the writ petitioner as well as the adjacent land owners and also to the interested persons, if any.



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(II) Enquiry shall be held. During enquiry, objections raised by the adjacent land owners / interested persons shall be considered.

(III) If according to the jurisdictional authority, the objections are without any basis, the same shall be overruled and the objectors shall be informed accordingly. But the survey will be conducted only after a period of six weeks so that the objector can move the concerned Court for injunction. If before the proposed date of survey, the objector is unable to obtain any injunction order, the survey can very well go on.

(IV) If the jurisdictional authority finds objections to be having substance, then, he shall call upon the applicant to move the jurisdictional civil Court for agitating his rights.

(V) If required, the survey authority is empowered to seek aid of the jurisdictional police and the jurisdictional police are mandated to grant police protection.



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3. In the light of the above, the survey officials visited the place four or five times but due to the problems created by the so called encroachers there had been apprehension expressed by the officials and they have not measured the property . Therefore the Petitioner had onceagain approached this Court invoking power under Section 482 of Cr.P.C seeking direction to the police officials to provide police protection to the officials with regard to the carrying out the directions issued bythis Court in W.P(MD) No.1026 of 2022.

4. The learned Government Advocate(Crl.sid) also invited the attention of this Court to the very same order.

5. In view of the same, the respondent Police is directed to provide protection to the officials to conduct enquiry and measure the property in the presence of the Petitioner and the private Respondent in the Writ Petition in WP(MD) No.1026 of 2022 who are objecting the survey within a reasonable period of one month from the date of receipt of a copy of this order.



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6. With the above direction, the Criminal Original Petition is disposed

of.

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Internet: Yes./No

Index: Yes/no

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To

1. The Superintendent of Police
O/o. The Superintendent of Police,
Madurai Road, Theni.
2. The Deputy Superintendent of Police
O/o. The Deputy Superintendent of Police
Theni, Theni District.
3. The Inspector of Police
Theni Allinagaram Police Station
Theni, Theni District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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