



Crl.O.P.(MD) No.21118 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.11.2022

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THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.21118 of 2022

G.Sundaramoorthy

...Petitioner

VS

1. The Superintendent of Police
Madurai District
Madurai.

2. The Deputy Superintendent of Police
Thirumangalam
Madurai District

3. K.Kaliyammal

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the second respondent not to harass the petitioner and consequently direct the respondents not to interfere in the civil matter in respect of the property in Survey No.273/5A & UDR S.No.432/4 situated at Avalsooranpatti Village, Kokkalancherry Village, Kallikudi Taluk, Madurai District.

For Petitioner	: Mr.B.Muneeswaran
For R1 & R2	: Mr.R.Suresh Kumar
	Government Advocate (Crl. side)



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ORDER

This Criminal Original Petition has been filed to direct the second Respondent not to harass the Petitioner and consequently direct the Respondents not to interfere in the civil matter in respect of the property in Survey No.273/5A & UDR S.No.432/4 situated at Avasooranpatti Village, Kokkalancherry Village, Kallikudi Taluk, Madurai District.

2. The learned Government Advocate(Crl.Side) would submit that as per the order in W.P(MD) No.15450 of 2022 the Respondents 1 and 2 were directed to police protection and in the light of the same, police protection is granted to the third Respondent and enquiry conducted regarding the dispute between the Petitioner and the third Respondent.

3. The learned Counsel for the Petitioner would submit this Court by an order in W.P(MD) No.15450 of 2022 dated 24.08.2022 had stated that 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



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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. Here in this case, the third Respondent had moved for survey without waiting for six weeks period. Therefore this had created circumstances by which the Petitioner had approached this Court. No order has been obtained from the Civil Court also.

4. Since the subject matter deals with enjoyment of the property , the parties to the dispute shall approach the Civil Court for appropriate relief for the present. The Respondents 1 and 2 are directed not to cause harassment to the Petitioner.

5. With the above direction, the Criminal Original Petition stands disposed of.

30.11.2022

Internet: Yes./No
Index: Yes/no
aav



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To

1. The Superintendent of Police
Madurai District
Madurai.
2. The Deputy Superintendent of Police
Thirumangalam
Madurai District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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