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Crl.O.P.No.1123 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P.No.1123 of 2023

1.M.Revathy
2.M.Vinoth
3.M.Jagan

... Petitioners

Vs.

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

2.The Sub-Inspector of Police,
Anaicut Police Station,
Maduranthagam Zone,
Chengalpattu District.

3.The Tahsildar,
Cheyyoor Village,
Chengalpattu District.

4.The Taluk Surveyor,
Cheyyoor Taluk Office,
Chengalpattu District.

5.Prabhakaran

... Respondents

*[5th respondent impleaded as per order
dated 19.04.2023 in Crl.M.P.No.4982 of 2023
in Crl.O.P.No.1123 of 2023]*



CrI.O.P.No.1123 of 2023

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents 1 and 2 to provide protection to respondents 3 and 4 to measure the property and demarcate the land in Survey Number given in the judgment in S.A.No.276 of 2010 dated 30.03.2022 on the file of this Court.

For Petitioners : Mr.T.K.S.Gandhi

For R1 to R4 : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for police protection in order to enable the petitioners to survey the property and to fix the boundaries.

2.Heard Mr.T.K.S.Gandhi, learned counsel for the petitioners and Mr.A.Damodaran, learned Additional Public Prosecutor appearing on behalf of the respondents 1 to 4.

3.It is seen from records that there were civil proceedings between the parties and ultimately, it ended before this Court in S.A.No.276 of 2010 through judgment dated 30.03.2022. The grievance of the petitioner is that



CrI.O.P.No.1123 of 2023

inspite of the civil proceedings reaching the finality, the rival parties are not allowing the property to be surveyed and demarcated in order to fix the boundaries. Therefore, a complaint was given to the respondent Police seeking for police protection. Since the same was not acted upon, the present petition has been filed before this Court.

4.Taking into consideration the facts and circumstances of the case and also the civil Court decree, there shall be a direction to the 2nd respondent to act upon the request made by the petitioners and provide police protection for enabling the survey to be undertaken in the subject property for demarcation and for fixing the boundaries.

5.This Criminal Original Petition is disposed of with the above directions.

19.07.2023

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To

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



WEB COPY



Crl.O.P.No.1123 of 2023

N. ANAND VENKATESH, J.
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- 2.The Sub- Inspector of Police,
Anaicut Police Station,
Maduranthagam Zone,
Chengalpattu District.
- 3.The Tahsildar,
Cheyyoor Village,
Chengalpattu District.
- 4.The Taluk Surveyor,
Cheyyoor Taluk Office,
Chengalpattu District.
- 5.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.1123 of 2023

19.07.2023



Crl.O.P.No.1123 of 2023

Crl.O.P.No.1123 of 2023

N.ANAND VENKATESH., J.

The matter was posted under the caption “for being mentioned” based on the representation made by the learned counsel appearing on behalf of the impleaded 5th respondent.

2.The learned counsel for the 5th respondent submitted that the petitioners in the guise of survey are attempting to take over the property which has been declared as anadeenam land. It was further submitted that the 5th respondent is in possession of the said land and in the guise of survey, an attempt is made to evict the 5th respondent.

3.In the considered view of this court, it is not necessary for this court to go into this issue. The 5th respondent has already suffered a judgment and decree in the hands of the Civil Court and three Courts have held against him and others. Hence, it is not open to the 5th respondent to prevent the conduct of the survey. If at all, an attempt is being made to take over anadeenam land, it is for the Government to safeguard the same and the 5th respondent cannot obstruct the survey on this ground. If the 5th respondent wants to seek for the review of the judgment passed in the second appeal, he has to independently prosecute the case and till the Civil Court judgment and decree is in force, there is no question of the 5th respondent preventing the conduct of the survey in the property.



CrI.O.P.No.1123 of 2023

WEB COPY

4.The above order shall also form part of the order passed on 19.07.2023.

25.07.2023

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Crl.O.P.No.1123 of 2023

N.ANAND VENKATESH., J.

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Crl.O.P.No.1123 of 2023

25.07.2023