



Crl.O.P.No.1873 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.1873 of 2023

S.Rajesh Kumar

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Petitioner

Vs.

1. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Vanthavasi Taluk,
Tiruvannamalai District.

2.The Inspector of Police,
South Police Station, Vandavasi,
Tiruvannamalai.

3.Poongkodi

...

Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to provide necessary police protection to the petitioner to put up the fencing compound wall in the land admeasuring 1600 sqft., which is situated at Gandhi road, Vanthavasi Taluk & Town, Tiruvannamalai District and comprised in Survey No.365/A1 and as per the patta T.S.No.73/2, Block No.9, Ward B and grant such other relief as deemed fit to this Court.



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For Petitioner : Mr.R.Nandakumar
For Respondents : Mr.S.Santhosh
1 & 2 Government Advocate (Crl. Side)
For Respondent : Mr. P.Raja
No.3

ORDER

This Criminal Original Petition is filed to provide necessary police protection to the petitioner to put up the fencing compound wall in the land admeasuring 1600 sqft., which is situated at Gandhi road, Vanthavasi Taluk & Town, Tiruvannamalai District, comprised in Survey No.365/A1 bearing patta T.S.No.73/2, Block No.9, Ward B and for other reliefs.

2.The learned counsel for the petitioner submitted that the petitioner is the owner of the property in S.No.365/A1 as per patta in T.S.No.73/2, Block No.9, Ward B. There is an extent of 1600 sqft. land available in this survey number. When the petitioner tried to put up a compound wall, third respondent objected for the same and therefore, this petition.

3.The learned counsel for the third respondent submitted that the third respondent disputes the ownership claimed in S.No.361/A by the petitioner. Third respondent claims that she is in the enjoyment of the property and has



possessory title.

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4.This Court, on going through the documents produced, especially, the sale deed, dated 14.10.1982, in favour of the petitioner's father, finds that the petitioner's father purchased the land in S.No.360/A1 with specified boundaries in the following measurements: East West – 20 Gajam and North South - 11 Gajam. 1 Gajam = 3 feet. When calculated, it comes to around 1980 sq.ft. Petitioner's father purchased 1980 sq. ft of land in S.No.361/A1. However, in the partition deed produced by petitioner to establish his title, it is seen that petitioner and his brother were allotted 1600 sq.ft. each in this S.No.361/A1. Apparently, there is a contradiction with regard to the extent stated in the sale deed of petitioner's father and the extent given in the partition deed. It has to be deeply investigated. Only if the property is measured with the help of a Surveyor, the exact measurement of the property purchased by petitioner's father would be known.

5.In the light of the rival claim set up by the third respondent in the partition of S.No.361/A1, of course without any documentary evidence, this Court is of the view that the issue has to be decided only by the Civil Court as



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to the entitlement of the extent of land in S.No.361/A1 by the parties.

Therefore, the prayer for police protection cannot be considered and therefore, this petition is dismissed.

6.Accordingly, this Criminal Original Petition is dismissed.

09.03.2023

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Internet:Yes

Index:Yes/No

Speaking/Non speaking order

To:

1. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Vanthavasi Taluk,
Tiruvannamalai District.

2.The Inspector of Police,
South Police Station, Vandavasi,
Tiruvannamalai.

3.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.
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