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CrI.O.P.No.4735 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.4735 of 2023

and

CrI.M.P.No.4561 of 2023

B.Rajeswaran

...

Petitioner

VS

1.The Inspector of Police,
T-6, Avadi Police Station,
Chennai.

2.C.Sasikumar

...

Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to direct the respondent provide police protection to the petitioner land comprised Survey numbers 42/1, 37/2, 36/3A2 and 36/1B situated at Melpaakkam village, Poonamallee Taluk, Tiruvallur district for putup a fencing and compound wall work based on the representation dated 03.02.2023 forthwith and to pass such further or other orders.

For Petitioner

... Mr.S.Kasirajan

For R-1

... Mr.Leonard Arul Joseph Selvam
Government Advocate (crl.side)

For R-2

... Mr.D.Prasanna Kumar



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ORDER

This Criminal Original Petition has been filed to direct the respondent provide police protection to the petitioner land comprised Survey numbers 42/1, 37/2, 36/3A2 and 36/1B situated at Melpaakkam village, Poonamallee Taluk, Tiruvallur district for putup a fencing and compound wall work based on the representation dated 03.02.2023 .

2. Learned counsel for the petitioner submitted that petitioner is an Executive Manager in VGN Homes Private Limited. The property comprised in Survey Nos.42/1, 37/2, 36/3A2 and 36/1B situated at Melpaakkam village, Poonamallee Taluk, Tiruvallur District was purchased in the name of Managing Director, by a registered Sale Deed dated 18.03.2009. Petitioner's company is in continuous possession and enjoyment of this land. However, the persons in and around his land are trying to misuse the property and therefore, it is necessary to fence the property. The neighbours, who are using the vacant land of the petitioner are objecting to lay a fence. Petitioner gave a representation to the 1st respondent on 03.02.2023 to give police protection for fencing. Since, no police protection was given, this petition is filed.



3. When the matter was taken up for hearing on 02.03.2023, this Court instructed the petitioner to implead the person, who is obstructing the fencing of petitioner's property. Accordingly, 2nd respondent is impleaded.

4. Mr.S.Sivakumar, learned counsel appeared for the 2nd respondent and submitted that, the general public are using the disputed land as pathway. If compound wall is put up, it would be difficult for them to reach their destination.

5. Learned Government Advocate (Criminal side) submitted that, on the basis of the petitioner's complaint, petitioner was summoned for enquiry, however, petitioner is not co-operating and appearing for enquiry.

6. In the facts narrated above, this Court directs the 1st respondent to consider the petitioner's representation dated 03.02.2023, on the basis of his Title Deed. If petitioner is found to have Title over the property, 1st respondent is directed to give necessary police protection for fencing petitioner's property, on payment of necessary bandobust charge.



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WEB COPY 7. With the above directions, this Criminal Original Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed.

22.06.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non speaking order
gd



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To

1.The Inspector of Police,
T-6, Avadi Police Station,
Chennai.

2.The Public Prosecutor,
High Court, Madras.



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G.CHANDRASEKHARAN, J.

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