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Crl.OP.No.6101 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 17.03.2023**

**CORAM**

**THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN**

**Crl.O.P.No.6101 of 2023**

Kandhan @ Kandasamy

... Petitioner

**Vs.**

1. The Superintendent of Police,  
Superintendent of Police Office,  
Salem District.
2. The Deputy Superintendent of Police,  
Deputy Superintendent of Police Office,  
Attur, Salem District.
3. The Inspector of Police,  
Thalaivasal Police Station,  
Thalaivasal, Salem District.
4. Varathrajan

5.Kalaimani

...Respondents

**PRAYER:** This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 1st respondent to provide police protection to the petitioner to cultivate the agriculture land comprised in 56/1B , 56/3, 57/1A situated at Veppnatham Village, Thalaivasal Taluk, Salem District, as per the petitioner complaint dated 29.11.2022 on the file of the 1st respondent police.



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For Petitioner : M/s. V. Gunasekar  
For Respondent : Mr.S.Santhosh ( For R1 to R3)  
Government Advocate(Crl.side)

**ORDER**

This Criminal Original Petition has been filed to direct the 1st respondent to provide police protection to the petitioner to cultivate the agriculture land comprised in 56/1B , 56/3, 57/1A situated at Veppnatham Village, Thalaivasal Taluk, Salem District, as per the petitioner complaint dated 29.11.2022 on the file of the 1st respondent police.

2. The learned counsel for the petitioner submitted that, petitioner purchased a property comprised in S.No. 56/1B, 56/3 & 57/1A situated at Veppnatham Taluk measuring about 3.13 cents from one Chinnadurai and Raju in the year 2022. Respondents 4 & 5 are trying to disturb his possession. Therefore, he filed this petition.

3. Heard the submission of the learned counsel for the petitioner and perused the records. It is seen from the records that, suit in O.S.No.148 of 2022 is filed by the 5th respondent against petitioner and one Varathrajan/4th respondent on the file of the Additional District Munsif Court at Attur,



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claiming that, Varathrajan/4th respondent leased the disputed the property on 06.09.2013 and from then onwards, he is in possession and enjoyment of the property. It is further alleged that, Varathrajan/4th respondent had filed suit against petitioner , 5th respondent and others in O.S.No.615 of 2022 with regard to possession of the property.

4. In view of the fact that already civil suits are pending with regard to possession of the property, this Court is of the view that, prayer made by the petitioner seeking protection for cultivating the land in S.No. 56/1B , 56/3, 57/1A cannot be entertained.

5. Accordingly, this Criminal Original Petition is dismissed. However, liberty is granted to the petitioner to work out his remedy before the civil Court.

**17.03.2023**

Internet : Yes / No  
Index : Yes / No  
Speaking / Non Speaking order  
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**G.CHANDRASEKHARAN,J.**

Sma

To

1. The Superintendent of Police,  
Superintendent of Police Office,  
Salem District.
2. The Deputy Superintendent of Police,  
Deputy Superintendent of Police Office,  
Attur, Salem District.
3. The Inspector of Police,  
Thalaivasal Police Station,  
Thalaivasal, Salem District.
4. The Public Prosecutor,  
High Court of Madras, Chennai.

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