



Crl.O.P.No.22665 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2023

CORAM :

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.22665 of 2023

A.Shanmugam

... Petitioner

versus

1.The Commissioner of Police,
Salem City,
Salem District.

2.State represented by
The Inspector of Police,
Karipatty Police Station,
Salem District.

3.Suresh

4.Rajendiran

5.Elango

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, pleaded to pass an order of direction, to direct the 1st and 2nd respondents to give police protection to the petitioner's life and limb and consider petitioner representation letter dated on 26.08.2023.



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For Petitioner : Mr.R.Balakrishnan

For Respondents : Mr.S.Udaya Kumar,
Government Advocate (Crl. Side)
for R1 & R2

ORDER

The petitioner herein claims to have title over the property in Survey No.120/2 in Sukkampatti Village, Vazhapadi Taluk and seeks police protection to enjoy the property. However, the Government Advocate (Crl.Side) submitted that one Annamalai Gounder had a rival claim over the property and CSR.No.197 of 2023 was registered. The petitioner and the complainant were called for an enquiry. After hearing the parties and perusing the records, the police found that it is a civil dispute and advised the parties to settle the dispute through a competent Civil Court. After advising them so, the complaint has been closed.

2. The petitioner herein now seeks police protection to enter and cultivate the portion of the land which he claims owner ship. The Government Advocate submits that since there is serious dispute over the title and possession, unless the title is without any cloud, protection to enter

<https://www.mhc.tn.gov.in/judis> upon and cultivate by the police cannot be granted.



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3. This Court finds force in the submission made by the Government Advocate. The police have already investigated the matter and found that there is a rival claim regarding the enjoyment, possession and title over disputed land bearing survey No.120/2.

4. In such circumstances, the duty of the police is to ensure law and order and peace, not to support one rival party to enjoy the property without establishing the title. Therefore, the petitioner is advised to work out his remedy before the Civil Court and the respondent police cannot provide any police protection for enjoying the disputed land.

5. Accordingly, this Criminal Original Petition is dismissed.

12.10.2023

Index:Yes/No
Internet:Yes/No
drl



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To

- 1.The Commissioner of Police,
Salem City,
Salem District.
- 2.The Inspector of Police,
Karipatty Police Station,
Salem District.
- 3.The Public Prosecutor,
High Court, Madras.



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DR.G.JAYACHANDRAN.J.

drl

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