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Crl.O.P.No.31660 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 21.04.2023

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THE HON'BLE Mr. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.31660 of 2022

V.Jaganathan

...Petitioner

Vs.

1. The Superintendent of Police,
Namakkal District – 637003.
2. The Deputy Superintendent of Police,
Rasipuram,
Namakkal District-637408.
3. The Inspector of Police,
Ayilpatty Police Station,
Ayilpatty,
Namakkal District-636202.
4. Chirukkali Chinnasamy
5. R.Valarmathi

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to provide police protection for putting up the fencing and doing agricultural activities and other miscellaneous works on his agricultural lands Survey Field No.4/1A1, Survey Field No.15/5B1 and Survey Field No.14/1B1 to the total extent of 3.14 acres in Chinnasekkadi Village, Rasipuram



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Taluk, Namakkal District.

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For Petitioner : Mr.Balaji Thirumoorthy
For Respondents
R1 to R3 : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)
R4 and R5 : Mr.B.Jawahar

ORDER

This Criminal Original Petition has been filed to provide police protection for putting up the fencing and doing agricultural activities and other miscellaneous works on the petitioner's agricultural lands Survey Field No.4/1A1, Survey Field No.15/5B1 and Survey Field No.14/1B1 to the total extent of 3.14 acres in Chinnasekkadi Village, Rasipuram Taluk, Namakkal District.

2. The learned counsel for the petitioner submitted that the petitioner filed a suit for specific performance in O.S.No.43 of 2017, on the file of the Sub Court, Rasipuram against the fourth respondent. The suit was decreed on 22.08.2017. Thereafter, the learned Sub-Judge, Rasipuram had executed a sale deed in favour of the petitioner for the property concerned in O.S.No.43 of 2017. Subsequently, the property was also delivered to the petitioner in R.E.P.No.29 of 2020. When the petitioner tried to fence his property, the respondents 4 and 5 objected,



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necessitating filing of this petition.

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3. In response, the learned counsel for the fourth and fifth respondents submitted that the petitioner filed a suit only in respect of undivided share and it was decreed. Though the property was recorded as delivered, the delivery was only with regard to the undivided 1/3 share. The fifth respondent filed a suit in O.S.No.133 of 2016, on the file of the Mahila Court, Namakkal against the fourth respondent. In the said suit, the petitioner had also impleaded himself as a defendant.

4. In the light of the submissions made by the learned counsel appearing for the parties and perusal of records, it is clearly evident that the petitioner had purchased the property of undivided share in Survey Field No.4/1A1, Survey Field No.15/5B1 and Survey Field No.14/1B1, in terms of sale agreement. Unless it is partitioned, he cannot seek Police protection to fence the undivided 1/3 share.



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5. Thus, the prayer seeking police protection cannot be entertained.

Accordingly, this Criminal Original Petition is dismissed.

21.04.2023

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The Superintendent of Police,
Namakkal District – 637003.
2. The Deputy Superintendent of Police,
Rasipuram,
Namakkal District-637408.
3. The Inspector of Police,
Ayilpatty Police Station,
Ayilpatty,
Namakkal District-636202.
4. The Public Prosecutor,
High Court, Madras.

G.CHANDRASEKHARAN.J.,



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