



Crl.O.P.No.32114 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.32114 of 2022

Vengatesan

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Kallakurichi District.

2.The Inspector of Police,
Chinnasalem Police Station,
Kallakurichi District.

3.Pazhaniammal

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to direct the respondents 1 and 2 to give adequate police protection for surveying and fencing the land belongs to the petitioner situated at S.No.46/4, Thathithripuram, Chinnasalem, Kallakurichi District based upon the petitioner's representation dated 31.10.2022.



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For Petitioner : Mr.K.Vijayaragavan
For R1 & R2 : Mr.A.Gokulakrishnan
Additional Public Prosecutor
For R3 : Mr.T.Balaji

ORDER

The petitioner filed this Criminal Original Petition seeking for a direction to the respondents 1 and 2 to provide protection for surveying and fencing his land.

2.The petitioner purchased a land in Survey No.46/4 at Thathithripuram, Chinnasalem, Kallakurichi vide registered document No.5321 of 2022. After purchasing the said land, the petitioner intended to survey his land and fix the boundary wall and also fence the land. The third respondent who is an adjacent land owner is causing hindrance to the petitioner and also for surveying the land. Though the petitioner applied for surveying the land on 20.09.2022 and received challan to make payment, due to the apprehension of third respondent's disturbance survey could not be conducted. Hence, the petitioner lodged a complaint to the first and



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second respondents stating about his apprehension of disturbance. Despite receipt of the petitioner's complaint, no action was taken by the respondents 1 and 2. Hence, the present petition is filed.

3.Heard Mr.K.Vijayaragavan, learned counsel appearing on behalf of the petitioner.

4.Learned Additional Public Prosecutor submits that the petitioner's apprehension is far fetched without any incident of any disturbance and on his own apprehension, he has lodged a complaint. He would submit that enquiry conducted by the respondent police reveals that there is no threat or disturbance by the third respondent except the third respondent being the adjacent owner.

5.Learned counsel for the third respondent submits that he is an adjacent land owner and he has no objection for the petitioner to engage a Surveyor to survey his land and to fence the same. He would submit that his only concern is that his property should not be disturbed or encroached



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upon. He further submits that notice may be given to the third respondent before surveying the land and he will also be present during the process of survey.

6.At this juncture, learned Additional Public Prosecutor submits that since the third respondent has no objection for surveying and fencing the petitioner's property, the question of police protection does not arise.

7.Considering the above submissions, this Court is of the view that in the event of necessity requisite police protection may be given by the respondent police.

8.With the above observations, the Criminal Original Petition is disposed of.

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Index : Yes/No
Speaking Order/Non-Speaking Order
cse



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- To
- 1.The Deputy Superintendent of Police,
Kallakurichi District.
 - 2.The Inspector of Police,
Chinnasalem Police Station,
Kallakurichi District.
 - 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

cse

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