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CRL.O.P.No.32012 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2023

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.32012 of 2022

Ravivanan

... Petitioner

Versus

1. The Superintendent of Police,
Vellore District,
Vellore – 9.
2. The Inspector of Police,
Peranampet Police Station,
Vellore District.
3. Parthiban
4. Vivekananda

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the respondents 1 & 2 to give police protection for survey the petitioner land comprising in survey No.32/4, 33/1, 32/1, 32/3, 72/7A measuring 3.40 Acre. The property situated at Sarangal Village, Pernampet Taluk, Vellore District based on the petitioner complaint dated 28.11.2022 within the stipulated time.

For Petitioner : Mr.T.Saravanan

For R1 & R2 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

For R4 : Mr.L.K.Manjunath



ORDER

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This Criminal Original Petition has been filed by the petitioner to direct the respondents 1 & 2 to give police protection for survey the petitioner's land comprising in survey No.32/4, 33/1, 32/1, 32/3, 72/74 measuring 3.40 Acre situated at Sarangal Village, Pernampet Taluk, Vellore District based on the petitioner's complaint dated 28.11.2022.

2. This Court, on 14.06.2023, had passed the following order:

"This Criminal Original Petition has been filed to give Police protection to survey the land comprising in survey Nos.32/4, 33/1, 32/1, 32/3, 72/7A measuring 3.40 Acres situated at Sarangal Village, Pernampet Taluk, Vellore District based on the petitioner's complaint, dated 28.11.2022.

2.Learned counsel for the petitioner submitted that the wife of the petitioner had purchased the property in survey Nos.32/4, 33/1, 32/1, 32/3, 72/7A measuring 3.40 Acres situated at Sarangal Village, Pernampet Taluk, Vellore District. On 12.12.2018, the petitioner's wife passed away, thereafter, the petitioner filed W.P.No.21090 of 2022 seeking direction to the survey and revenue officials to survey the land and to earmark the same. This Court, by order, dated 30.09.2021 ordered the Writ Petition in favour of the petitioner. As per the order of this Court, on 17.11.2022, the petitioner along with the Surveyor and his Assistant had gone to the petitioner's land, at that time, the respondents 3 and 4 made objection for surveying the land and obstructed the Government officials to carry on their function. Added to it, the petitioner and his son were given life threat, due to which, the survey could not be conducted on that day. Hence, the petitioner gave representation to the 1st & 2nd respondents on 28.11.2022 seeking Police protection. Along with the representation, the petitioner produced all the relevant documents namely the title deed, identity proof, Aadhar Card and the order passed by this Court in W.P.No.21090 of 2021. Despite the same, the respondents 1 and 2 neither called the petitioner and the respondent 3 and 4 for enquiry nor given any



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protection to the petitioner and the Government officials to carry on with the lawful work. Hence, the petitioner has filed the present petition.

3.Learned Additional Public Prosecutor appearing for the respondents 1 and 2 seeks small accommodation to file status report.

4.Mr.L.K.Manjunath, learned counsel appearing for the 4th respondent submitted that he was not served with the typed set of papers and other documents.

5.Notice to the 3rd respondent was served and report has been submitted by the learned Judicial Magistrate, Gudiyatham on 04.01.2023. Despite the same, no one is appeared for the 3rd respondent.

6.In view of the same, this Court appoints Mr.S.Yogaraja Sekar (Enrollment No.4080 of 2015 & Contact No.99403 33348) as Legal Aid Counsel for the 3rd respondent. Registry is directed to print the name of Mr.S.Yogaraja Sekar as Legal Aid Counsel for the 3rd respondent in the cause list.

7.Learned counsel for the petitioner to serve the copy of the petition and other documents to the learned counsel for the respondents 3 and 4 by 22.06.2023.

8.Post the matter on 22.06.2023."

3. In continuation and conjunction to the earlier order passed by this Court on 14.06.2023, the learned counsel appearing for the fourth respondent submitted that already the petitioner's wife namely Rajeswari filed a Civil Suit No.18 of 2018 before the District Munsif, Kudiyatham seeking bare injunction against the fourth respondent for 2.94 acres in the same survey numbers, which is now pending. He further submits that the petitioner herein sought for police protection for measuring 3.40 Acre in survey numbers No.32/4, 33/1, 32/1, 32/3, 72/74 situated at Sarangal Village, Pernampet Taluk, Vellore District. The 2.94 acres on which the Civil Suit



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has been filed is included in this 3.40 acres. Further submitted that after demise of the said Rajeswari, the petitioner herein proceeded with the suit.

The injunction order has been passed against the fourth respondent and the injunction order now made absolute with regard to 2.94 acres alone. Now the petitioner added further 46 cents and seeking for police protection for same other reason. The fourth respondent has not made any objections with regard to 2.94 acres alone. He further submitted that the petitioner has not come up with clean hands about the pendency of the civil suit No.18 of 2018.

4. The learned counsel for the petitioner has no answer for the same.

5. In view of the same, this Court is not inclined to entertain this petition. Further the petitioner has approached the Civil Court whereas O.S.No.18 of 2018 is now pending. He shall file an appropriate petition in the event of fourth respondent making objections or obstructions.

6. With the above direction, this petition is dismissed.

22.06.2023

Index : Yes/No
Internet : Yes/No
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To

1. The Superintendent of Police,
Vellore District,
Vellore – 9.
2. The Inspector of Police,
Peranampet Police Station,
Vellore District.
3. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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