



WEB COPY



Crl.O.P.No.28384 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2023

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.28384 of 2023

Yasodamma

...Petitioner

Vs.

1.The Superintendent of Police,
Krishnagiri District.

2.The Inspector of Police,
Denkanikottai Police Station,
Denkanikottai.

3.Thimmaraj

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. to direct the respondents 1 and 2 to give police protection to the petitioner to fence her land in Survey 421/1B, 422/2, 429/1, 430/3 and 585/4 to an extent of 5.34 acres within specified boundaries of Denkanikottai and Arasakuppam Village, Denkanikottai Taluk, Krishnagiri District in view of the petitioner's complaint dated 04.12.2023.

For Petitioner : Mr.G.M.Ananthakumar

For Respondents : Mr.Leonard Arul Joseph Selvam.
Government Advocate (Crl.Side)



Crl.O.P.No.28384 of 2023

WEB COPY

ORDER

This Criminal Original Petition has been filed to direct the respondents 1 and 2 to give police protection to the petitioner to fence her land in Survey Nos.421/1B, 422/2, 429/1, 430/3 and 585/4 to an extent of 5.34 acres within the specified boundaries of Denkanikottai and Arasakuppam Village, Denkanikottai Taluk, Krishnagiri District, in view of the petitioner's complaint dated 04.12.2023.

2.The father of the petitioner was the first defendant in O.S.No.225/2006 which went for trial before the learned District Munsif, Denkanikottai, Krishnagiri. The said suit had been filed by the brother of the father of the petitioner herein. The suit was filed for partition and separate possession. Holding that there was an earlier partition, the learned District Munsif had dismissed the suit by a judgment dated 31.01.2011.

3.The learned counsel states that the judgment had become final to his knowledge as there are no appeals filed. The petitioner had succeeded to the property after her father/first defendant in that suit. However the disputes continued and the present dispute relates to fencing of the land of the



Crl.O.P.No.28384 of 2023

petitioner herein. It is stated that the petitioner is the lady of advanced age and taking that factor into consideration, those who are questioning her rights of fencing the land have threatened to assault her. It is stated that there was also an earlier incident where a JCB machine was used and that led to the lodging of a complaint on which CSR was registered on the side of the respondent and therefore protection is sought while fencing the land.

4.Taking all the background facts, the respondent is directed to provide adequate protection only limited to the extent of fencing the land and it is made clear that there should be no encroachment of land of any other persons. Fencing should be done within the boundaries of the petitioner's land. To that extent, direction is given. The petitioner may intimate the date on which the Registered Surveyor would come over for such purpose and that the respondent would cooperate with the petitioner herein to ensure that the entire action is to put into effect in proper manner. Accordingly, this Criminal Original Petition stands disposed of.

20.12.2023

sli



WEB COPY



Crl.O.P.No.28384 of 2023

C.V.KARTHIKEYAN, J.

sli

To:

1.The Superintendent of Police,
Krishnagiri District.

2.The Inspector of Police,
Denkanikottai Police Station,
Denkanikottai.

3.The Public Prosecutor,
Madras High Court.

Crl.O.P.No.28384 of 2023

20.12.2023