



Crl.O.P.(MD)No.7899 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on	09.08.2023
Delivered on	26.09.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD)No.7899 of 2023
and Crl.M.P.(MD) No.11149 of 2023

R.Rathinam

... Petitioner/ Accused

Vs.

1. The Superintendent of Police,
O/o. the Superintendent of Police,
Theni District, Theni.

2. The Inspector of Police,
Jayamangalam Police Station,
Theni District.

3.The Tahsildar,
O/o. the Tahsildar,
Andipatti, Theni District.

4.K.Rajendran

5.K.Deivendran

6.K.Ayyamperumal

7.K.Soundaram

8.S.Thangavel

... Respondents



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PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the respondents 1 and 2 to provide adequate police protection to life and limb of the petitioner to survey his land in Survey No.335/2 and 335/3 situated at Kullapuram Village, Periyakulam Taluk, Theni District by considering the petition dated 03.11.2022 within the time stipulated by this Court.

For Petitioners : Mr.T.Thirumurugan

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)
for R1

ORDER

This petition is filed to direct the respondents 1 and 2 to provide adequate police protection to life and limb of the petitioner to survey his land in Survey No.335/2 and 335/3 situated at Kullapuram Village, Periyakulam Taluk, Theni District by considering his petition dated 03.11.2022.

2. The facts and brief as per the record would go to show that the petitioner has purchased land in Survey Nos.335/2 and 335/3 to an extent of 50 cents *vide* Document No.1730/2011 on 15.06.2011. He has



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purchased another land to an extent of 57 cents in Survey No.335/2 on 06.06.2012. The petitioner has also purchased another 54 cents in Survey No.335/3 vide Document No.1728/2012 and he has been enjoying the same and patta also stands and transferred in the name of the petitioner in Patta Nos.6371 and 6119. The respondents 4 to 8 who were totally strangers made disturbances to the petitioner from enjoying the property. The petitioner has paid necessary tax to the Government. The third respondent has passed an order to survey the land on 19.03.2022 and asked the petitioner to appear with the relevant documents. However the unofficial respondents have stooped the proceedings and disturbed the survey. On 16.10.2022 at about 11.00 a.m. when the petitioner went to his property to clean the unofficial respondents 4 to 8 have abused and threatened the petitioner. The petitioner gave a representation seeking protection to life and liberty to the second respondent and same was registered in C.S.R.No.360/2022 and no action has been taken further.

3. Heard the learned counsel for the parties and perused the record.

4. This is one of the classic cases where the petitioner has



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converted the civil dispute with the unofficial respondents as a criminal case and filed an application as if he required police protection. The intention of the petitioner can be gathered from the facts that by taking the police protection, the petitioner intends to complete the survey and also seek an order similar to that of granting injunction by civil Court.

5. The police protection can be given to a person in case if there is a threat to the life of the petitioner. On going through the facts narrated by the petitioner would show that the petitioner mentioned about two incidents. At the first place, when the survey was being undertaken on 19.03.2022, the unofficial respondents 4 to 8 allegedly obstructed thereby the survey could not be conducted. The survey is being conducted not by the private survey but by the Revenue officials. In case if the survey could not be conducted on account of intervention or obstruction by any third parties, the Revenue officials will file a complaint and seek for protection only in respect of completion of survey but no such complaint is filed. The petitioner has not enclosed any proceedings recorded by the officers of the Revenue department to show that when they were attempted to survey the land, the unofficial



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respondents 4 to 8 have raised objections. In fact, if at all whatever the petitioner has submitted in respect of obstructing the survey, a case required to be registered against the unofficial respondents under relevant provisions of the Penal Code. However, there is no such record. Therefore, the submissions so far as alleged obstruction by the unofficial respondents 4 to 8 to the officers while conducting survey is not acceptable.

6. The second incident narrated by the petitioner is that on 16.10.2022 when he went to his land to clean up, the unofficial respondents 4 to 8 obstructed, abused and threatened him. There is no substance in the arguments also merely because if a person abuses and threatens the other person police protection cannot be granted. In fact, the petitioner should have filed a complaint if at all whatsoever the police would have registered a case against the unofficial respondents under relevant provisions of IPC including Section 294(b) and 506(i) of IPC. However, the petitioner has not made such complaint.

7. The case of the petitioner is that the unofficial respondents are



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trued to interfere in his peaceful possession. According to him, he has purchased the schedule of properties under three registered sale deeds and since then he has been enjoying the same and patta has also been granted in his name. If at all the petitioner is the owner of the property and if at all he is in possession and enjoyment of the property and in case if the unofficial respondents tried to interfere his possession, it does not amount to any offence or it does not give any cause of action for the petitioner to seek police protection by way of filing application like this nature. The petitioner should file suit for injunction in respect of other disturbances; in respect of seeking for declaration of title before the appropriate civil Court. The petitioner has deliberately instead of approaching civil Court chosen to filed this petition before this Court.

8. Therefore, the relief as sought for by the petitioner cannot be considered and accordingly, this petition stands dismissed. Consequently, the connected miscellaneous petition is closed.

26.09.2023



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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PKN

To

1. The Superintendent of Police,
O/o. the Superintendent of Police,
Theni District, Theni.
2. The Inspector of Police,
Jayamangalam Police Station,
Theni District.
3. The Tahsildar,
O/o. the Tahsildar,
Andipatti, Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN,J

PKN

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Dated: 26.09.2023