



CRL.O.P.(MD)No.9771 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 25.07.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

CRL.O.P.(MD)No.9771 of 2023

R.Jayaraman

... Petitioner

Vs

1.The Superintendent of Police,
Office of the Superintendent of Police,
Virudhunagar District.

2.The Inspector of Police,
Elayirampannai Police Station,
Elayirampannai,
Virudhunagar District.

3.A.Sakkaraithai

4.Jayabackiam

5.Mariammal

6.Jansi Rani

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the respondents 1 and 2 to provide adequate police protection to the petitioner life and limb in respect of the property in Survey No.28/2 from the unlawful and high handed activities of the respondents 3 to 6 by considering the petitioner's complaint, dated 08.05.2023.

For Petitioner : Mr.C.M.Arumugam

For R-1 & R-2 : Mr.B.Thanga Aravindh
Government Advocate (Crl. side)



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ORDER

This Criminal Original Petition is filed seeking for Police protection in respect of the land allegedly belonged to the petitioner in Survey No.28/2.

2. It is submitted by learned counsel for the petitioner that the petitioner has been in possession and enjoyment of the land to an extent of 1 Acre 52 Cents in Survey No.28/2, situated at Sankarapuram Revenue Village at Vembakottai Taluk in Virudhunagar District, having purchased the said land under a registered sale deed for a valid consideration on 11.09.2020 and that the name of the petitioner was also mutated in the revenue records. When respondent Nos.3 to 6 were trying to dispossess the petitioner from the said land, respondent No.4 filed O.S.No.7 of 2022 on the file of the learned District Munsif, Sattur, Virudhunagar District, seeking declaration that the sale deed belonged to the petitioner dated 11.09.2020 is null and void and the said suit was ultimately dismissed for non prosecution and it has not been restored back.

3. The petitioner has filed W.P.(MD).No14695 of 2021 for issuance of a separate patta in respect of the land purchased by him, as directed by this Court in the Writ Petition, the petitioner has approached the jurisdictional Tahsildar and filed an application for grant of patta, which was



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rejected and those orders have become final. Now, the petitioner is seeking direction to respondent Nos.1 and 2 for providing adequate Police protection.

4. Learned Government Advocate (Criminal Side) has filed an additional detailed counter explaining the history of the litigation between the petitioner and unofficial respondents and also submitted that the petitioner, during the course of enquiry in the petition, had appeared before the Police on 03.06.2023 and given an undertaking that he would approach the Civil Court for appropriate direction.

5. Leaving these aspects aside, when there is a serious dispute in respect of the title between the petitioner and the unofficial respondent, the petitioner instead of approaching the Police should have approached the Civil Court seeking for appropriate relief.

6. Accordingly, this Criminal Original Petition is dismissed.

25.07.2023

NCC:yes/no
Index:yes/no
Internet:yes/no



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DR.D.NAGARJUN, J.

tsg

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Virudhunagar District.
- 2.The Inspector of Police,
Elayirampennai Police Station,
Elayirampennai,
Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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