



Crl.O.P(MD) No.10266 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 06.07.2023

CORAM:

The Hon`ble Dr.Justice **D.NAGARJUN**

Crl.O.P.(MD)No.10266 of 2023

M.Amirtharajan

... Petitioner

Vs

- 1.The Superintendent of police,
Sivagangai,
Sivagangai District.
2. The Deputy Superintendent of Police,
Sivagangai,
Sivagangai District
3. The State Representation by its
Inspector of Police,
Poovanthi circle Police Station,
Poovanthi,
Sivagangai District.

4. R.Muthurakku

... Respondents

Prayer: Petition filed under Section 482 of Cr.P.C., to issue a direction to direct the 3rd respondent herein to grant adequate protection to the petitioner's life, liberty and property, for fencing his lands comprised in S.No. 106/2, at Thappiliyendal Village, Theli Group, Tirupuvanam



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Taluk, Sivagangai District by considering the petitioner representation dated 22-05-2023, within the time limit fixed by this Court.

For Petitioner : M/S. V.R.Shanmuganathan

For R1 to R3 : SS.Madhavan,
Government Advocate (Criminal).

ORDER

This Criminal Original Petition is filed seeking for adequate police protection to the petitioner from fourth respondent who is obstructing from fencing the property belongs to the petitioner.

2. It is submitted by the learned counsel for the petitioner that for the last 25 years, the petitioner has been in possession and enjoyment of the property in S.No.106/2 situated at Thappiliyendal Village, Theli Group, Tirupuvanam Taluk, Sivagangai District. The fourth respondent has filed a suit in O.S.No.68 of 2016 for declaration of right and cancellation of registered sale deed executed in favour of the petitioner. After full-fledged trial, the suit came to be dismissed. Aggrieved by the same, the fourth respondent preferred an appeal, with a delay condonation petition and the same was allowed and the appeal is



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numbered. The petitioner has filed a Civil Revision Petition, aggrieved by condoning the delay in preferring the appeal. The petitioner submits that, eventhough in all the forums the petitioner is consistently declared to be the owner of the property, the fourth respondent with no right whatsoever, trying to interfere with the possession of the petitioner.

3. The learned Government Advocate (Crl.side) submits that on account of pendency of appeal and the dispute between the parties is purely civil in nature, police are not interfering in the issue.

4. In respect of grievance of the petitioner that the fourth respondent is obstructing while fencing the land, is concerned, the petitioner is expected to approach the civil Court seeking appropriate relief. If any offence, is either committed or attempted to be committed, by the fourth respondent, the petitioner is at liberty to file a complaint before the respondent police on which the respondents are directed to take appropriate action, against the fourth respondent.



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5. With this observation, this Criminal Original Petition is closed.

06.07.2023

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

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To

- 1.The Superintendent of police,
Sivagangai,
Sivagangai District.
2. The Deputy Superintendent of Police,
Sivagangai,
Sivagangai District
3. Inspector of Police,
Poovanthi circle Police Station,
Poovanthi,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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DR. D.NAGARJUN, J.

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