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*Crl.O.P.(MD)No.10513 of 2023*



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.11.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

**Crl.O.P.(MD)No.10513 of 2023**

M.Subramaniyan

... Petitioner

Vs.

1.The Superintendent of Police,  
Thoothukudi District,  
Thoothukudi.

2.The Inspector of Police,  
Pasuvanthanai Police Station,  
Thoothukudi District.

3.M.Packiyaraj

4.M.Arulraj

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to issue direction to the respondent No.1 and 2 herein to give the police protection for fencing the petitioner's patta land in Survey No. 138/1A, 1B, situated at Kovinthanpatti Village, V.Kayathar Taluk, Thoothukudi District, on the basis of the petitioner's representation dated 22.04.2023.



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For petitioner : Mr.P.Banuprasath  
For Respondents : Mr.M.Sakthi Kumar  
1 and 2 Government Advocate (Crl. Side)  
For 3<sup>rd</sup> Respondent : No appearance

### **ORDER**

This petition has been filed seeking direction to issue direction to the respondent No.1 and 2 herein to give the police protection for fencing the petitioner's patta land in Survey No.138/1A, 1B, situated at Kovinthanpatti Village, V.Kayathar Taluk, Thoothukudi District, on the basis of the petitioner's representation dated 22.04.2023.

2.The learned counsel appearing for the petitioner would submit that even though private notice is served upon the private respondents and their names printed in the cause list, none appeared on the side of the private respondents.

3.The learned Government Advocate (Crl. Side) would submit that representation made by the petitioner came to be closed by the second respondent herein stating that the issue between the parties is civil in nature.



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4. On perusal of the records and on hearing the learned counsel appearing for the petitioner, the Civil Court decree in O.S.No.234 of 2018 ended against one Subbiah, who is the plaintiff and now reported to be dead. But the private respondent are not the parties in the above said civil court decree. This petitioner was shown as fourth defendant in the suit. Purchase made by this petitioner was challenged by the said Subbiah.

5. The learned counsel appearing for the petitioner would submit that in respect of the above said issue between Subbiah and the petitioner herein, the private respondents herein are no way connected.

6. Let the fresh representation be made by the petitioner to the second respondent herein within two weeks from the date of receipt of a copy of this order. On such representation, the second respondent is hereby directed to consider the same and pass orders on merits and in accordance with law.

7. If the private respondents fail to appear before the respondent police, in spite of the notice issued, the second respondent is directed to



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give police protection to the petitioner for carrying out the above said work, if any necessity arises.

8.With the above directions, this Criminal Original Petition is disposed of.

**15.11.2023**

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

vsg

To

- 1.The Superintendent of Police,  
Thoothukudi District,  
Thoothukudi.
- 2.The Inspector of Police,  
Pasuvanthanai Police Station,  
Thoothukudi District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.



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**G.ILANGO VAN. J.**

vsg

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