



CrI.O.P.(MD) No.11928 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.08.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

CrI.O.P.(MD) No.11928 of 2023

Thangapandi

...Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Paramakudi Taluk, Ramanathapuram District.

3.The Inspector of Police,
Emaneswaram Police Station,
Ramanathapuram District.

4.Lakshmanan

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the respondent Nos.2 and 3 and to give adequate police protection to the petitioner and his family members for their life, limb and ensure the pathway rights on the basis of the petitioner's representation dated 16.06.2023.



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For Petitioner : Mr.K.Yasar Arafath
For R-1 to R-3 : Mr.Thanga Aravindh
Government Advocate (Crl.side)
For R-4 : Mr.B.Arun

ORDER

This petition is filed under Section 482 of Cr.P.C. seeking Police protection to the petitioner and his family members for their life and limb and ensure that the pathway rights are protected basing on the representation of the petitioner, dated 16.06.2023.

2. It is submitted by learned counsel for the petitioner that the petitioner has been using the public pathway is meant for to the petitioner, respondent No.4 and other villagers. According to the petitioner, when respondent No.4 has encroached the said pathway, the petitioner has filed W.P. (MD).No.24723 of 2022 and the same was disposed of on 31.10.2022, with a direction to the concerned Agency to remove the encroachment. When the orders of this Court have not been implemented, the petitioner has filed Cont.P. (MD).No.924 of 2023 and the same was disposed of on 06.06.2023. Subsequently, the Government agencies stated to have been removed the



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encroachment. It is submitted now that in spite of removing the encroachment, the unofficial respondent No.4 is still trying to obstruct the pathway and prevent the petitioner from enjoyment. Thereby, sought for sufficient police protection

3. Learned counsel for the unofficial respondent No.4 submitted that the dispute between the petitioner and unofficial respondent No.4 is purely civil in nature.

4. Learned Government Advocate (Criminal Side) submitted that in the year 2022, the petitioner's brother filed a complaint in C.S.R.No.141 of 2022 against respondent No.4 in respect of the dispute and issue was enquired into and disposed of. It is submitted further by the learned Government Advocate (Criminal Side) that subsequently, the respondent Police have not received any complaint as allegedly sent by the petitioner on 21.07.2023 and it is submitted that if a fresh complaint is filed before the respondent Police, appropriate decision will be taken.

5. Considering the submissions made by both sides and on perusal of records, this Criminal Original Petition is disposed of, directing the petitioner to



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file fresh application, on which, the respondent Police are directed to make an enquiry without any delay on hearing of respondent No.4 and dispose of the same, within a period of two weeks from the date of filing of the fresh application, if there are merits in the petitioner's contention to provide police protection to the petitioner.

21.08.2023

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
tsg

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Paramakudi Taluk, Ramanathapuram District.
- 3.The Inspector of Police,
Emaneswaram Police Station,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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DR.D.NAGARJUN. J.

tsg

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