



CrI.O.P.(MD) No.15918 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.09.2023**

CORAM:

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

CrI.O.P.(MD) No.15918 of 2023

A.John Bosco

... Petitioner

Vs.

1.The Superintendent of Police,
Kanyakumari District, Nagercoil.

2.The Inspector of Police,
Pudukkada Police Station,
Kanyakumari District.

3.Bradit

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the first respondent to provide adequate police protection to construct compound wall in the property in Survey No.400/5 A1A2 of Munchirai Village, Killiyoor Taluk, Kanyakumari District as per the approval granted by the Executive Officer, Pudukkada, dated 08.11.2022 by considering the representation of the petitioner, dated 16.08.2023.

For Petitioner

: Mr.S.C.Herold Singh

For R1 & R-2

: Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)



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ORDER

This Criminal Original Petition is filed under Section 482 of Cr.P.C. seeking for a direction to the respondent Police to provide protection for construction of his house while his house is being constructed.

2. According to learned counsel, the petitioner is the owner of a land and that he has taken permission from the concerned authorities, constructed 70% of the house. However, unofficial respondent No.3 is trying to interfere in the construction activity, thereby, filed a representation before the respondent Police for providing protection. Since no protection has been given, sought for suitable directions.

3. Learned Government Advocate (Criminal Side) submitted that the representation of the petitioner, dated 16.08.2023, was registered as C.S.R.No.527 of 2023 and during the course of enquiry, both the petitioner and the third respondent have stated that they would approach the appropriate Civil Court in order to resolve the dispute. Accordingly, the said C.S.R.No.527 of 2023 was closed.



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4. Considering the submissions made by both sides, it is clear that the dispute between the petitioner and the third respondent is purely civil in nature, the petitioner has been asserting that he has been the possession and the owner the property and construction is in progress after taking permission from the respective authorities. In case, if the third respondent without having any right trying to intervene, he is supposed to file a suit for injunction and proceed further and seek for police protection. The respondent Police are not expected to decide as to rights of the properties in respect of the immovable properties. However, in case, if any offence is being committed by the unofficial respondent No.3, the petitioner is at liberty to approach the respondent Police, on which, the respondent Police are directed to take appropriate action.

5. With this observation, this criminal original petition is disposed of.

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

12.09.2023

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DR.D.NAGARJUN. J.

tsg

To

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

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