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CrI.O.P.(MD) No.16976 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

CrI.O.P.(MD) No.16976 of 2023

Imtheyas Ahamed

: Petitioner

Vs.

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

2.The Inspector of Police,
Town East Police Station,
Thanjavur,
Thanjavur District.

3.K.Kaliyaperumal

: Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to issue a direction to the first and second respondents herein to provide adequate police protection to the petitioner based on the order in I.A.No.323 of 2023 in O.S.No.164 of 2023 dated 01.07.2023 for fencing work in their land in Survey



Crl.O.P.(MD) No.16976 of 2023

No.342/1, 342/2 & 342/3 totally 2 Acres 74 cents, situated at Kodikallur revenue Village, Thanjavur District, based on the complaint dated 07.07.2022 & 14.07.2022.

For Petitioner : Mr.V.S.Kumaraguru

For Respondent 1&2 : Mr.SS.Madhavan

Government Advocate (Crl. side)

ORDER

This Criminal Original Petition is filed seeking for a direction to the respondent police to provide protection when the petitioner intend to fence the land in respect of 2 Acres 74 cents in Survey No.342/1, 342/2 & 342/3.

2.It is submitted by the learned Counsel for the petitioner that he has filed a suit for simple injunction in O.S.No.164 of 2023 and filed an Interlocutory Application in I.A.No.323 of 2023 and the said application was allowed and interim injunction was granted in favour of the petitioner. It is submitted that the petitioner intend to fence the land, however, the unofficial respondent is trying to intervene and thereby sought for police protection.

3.Learned Government Advocate [Crl. Side] submits that the dispute between the parties is still pending and await disposal of the civil case.



Crl.O.P.(MD) No.16976 of 2023

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4.The petitioner has filed a suit for simple injunction and not for declaration of title in respect of the said property. Further, even the interim injunction has already been granted, the suit has not been decreed after the trial and the rights of the parties have not been settled. rather there is only interim injunction. However, the petitioner has not conducted the survey of the land. Once survey is conducted and border has been fixed, then he can seek for fencing the land. In case, if there is any resistance for fencing the land from the unofficial respondent, since the matter is already seized of by the Civil Court, the petitioner is expected to file an application to permit to fence the land and if permission is given, during the course of fencing, if the revenue authorities request, police would provide protection.

5.In view of the above, the direction as sought for cannot be granted. Accordingly, the Criminal Original Petition is dismissed. The petitioner is at liberty to approach the Civil Court for appropriate direction.

22.09.2023

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



WEB COPY



Crl.O.P.(MD) No.16976 of 2023

To

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



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Crl.O.P.(MD) No.16976 of 2023

DR.D.NAGARJUN. J.

MR

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