



Crl.O.P.(MD)No.18939 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 06/12/2023

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The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.OP(MD)No.18939 of 2023

Packiyaraj : Petitioner
Vs.

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

2.The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram,
Ramanathapuram District.

3.Ramasamy : Respondents

PRAYER:- Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to direct the respondents 1 and 2 herein to provide police protection to the petitioner's life & limb and for doing agricultural work on his land on this year only in Survey No.289/5 and Patta No.1119 situated at Edaiyankulam Village, Pudukottai Revenue, Kamuthi Taluk, Ramanathapuram District, on the basis of the petitioner's representation, dated 11/09/2023 and pass such further or other orders.

For Petitioner : Mr.C.Suresh Kannan

For R1 and R2 : Mr.K.Sakthi Kumar
Government Advocate
(Criminal side)

For 3rd Respondent : Mr.A.Mohan



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O R D E R

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This criminal original petition has been filed seeking police protection to the petitioner's life & limb and for doing agricultural work in his land on this year only in Survey No.289/5 and Patta No.1119 situated at Edaiyankulam Village, Pudukottai Revenue, Kamuthi Taluk, Ramanathapuram District, on the basis of the petitioner's representation, dated 11/09/2023.

2.The facts in brief:-

The petitioner's father was owning property in Survey No.289/5 situated at Edaiyankulam Village, Pudukottai Revenue, Kamuthi Taluk, Ramanathapuram District. The 3rd respondent is the maternal uncle of the petitioner claiming right over the property. He filed a suit in O.S No.14 of 2011 before the District Munsif Court, Kamuthi. The trial court declared that the 3rd respondent is the lessee. Later the father of the petitioner filed O.S No.31 of 2017 before the very same court for eviction. That suit was decreed. Against which, the 3rd respondent filed appeal in AS No.25 of 2018 before the Sub Court, Muthukulathur. That was dismissed. Against which, second appeal in SA(MD)No.360 of 2023 was filed before this court. There was no interim order. When the petitioner is doing agricultural operation, the 3rd



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respondent is making trouble. On that score, he sent a representation seeking police protection. That was not considered. So this petition seeking the relief as stated above.

3.Heard both sides.

4.When the matter was taken up for hearing, on 20/10/2023, the learned Government Advocate (Criminal side) has submitted that on the basis of the representation made by the petitioner, enquiry was conducted and during the course of the enquiry, all the private respondents gave an Undertaking/Statement that they will not make any trouble to the petitioner. On the basis of the Undertaking, it was closed, on 06/09/2023.

5.Again trouble was made by the private respondents. So, another representation, on 11/09/2023. Finding that there is continuous trouble between the parties, notice was ordered to the 3rd respondent. The 3rd respondent also entered appearance through an Advocate. The 3rd respondent says that he is in possession of the property. Now whatever it may be, the rival contention now the issue is pending before this court in SA(MD)No.360 of 2023.



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6. When the second appeal is pending, there is no question of police protection to either one of the parties. If any trouble is made by the 3rd respondent, the petitioner has to approach the first appellate court for appropriate relief. Without resorting to such remedy, sending a representation seeking police protection may not be proper and it cannot be entertained also. So this criminal original is liable to be dismissed.

7. In the result, this criminal original petition is **dismissed** with liberty to the petitioner to approach the first appellate court for appropriate relief in the manner known to law.

06/12/2023

Index: Yes/No
Internet: Yes/No
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To,

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



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G.ILANGOVAN, J

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