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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P. No.5520 of 2024

G.Balaji

Vs

...Petitioner

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

2.The Inspector of Police,
Katpadi Police Station,
Vellore.

3.Ms.Baby

4.Ms.Tamizharasi

5.Mrs.S.Muthammal

6.Mrs.G.Umarani

7.Mr.S.Gunaseelan

8.Mr.S.Mohan

9.Mrs.A.Suseela

10.Mr.K.Chinnaraj



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11.Mr.K.Chinnadurai

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st and 2nd Respondent to provide police Protection to the petitioner to put up fence in the land measuring 7.5 cents, comprised in Old Survey No.593/2 and 593/2A, presently in New Survey No.593/2A/1 of Katpadi Village and Taluk, Vellore District.

For Petitioner : Mr.V.Raghavachari
Senior Counsel for
Mr.P.S.Prabu

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor
for R1 and R2

ORDER

This criminal original petition has been filed to direct the 1st and 2nd Respondent to provide police Protection to the petitioner to put up fence in the land measuring 7.5 cents, comprised in Old Survey No.593/2 and 593/2A, presently in New Survey No.593/2A/1 of Katpadi Village and Taluk, Vellore District.



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2.Learned Additional Public Prosecutor, on instructions, submitted that, based on the complaint given by the petitioner, petition enquiry is pending in C.No.101/2024 on the file of the 2nd respondent Police.

3.The petitioner is directed to co-operate with the Police for enquiry and the respondent Police shall conduct the enquiry keeping in mind the judgment in ***Lalitha Kumari vs. Government of Uttar Pradesh*** reported in **2013 (6) CTC 353**. On completion of the enquiry, the respondent Police shall take a decision regarding the further course of action. This process shall be completed by the respondent Police within a period of two weeks from the date of receipt of copy of this order.

4.With the above directions, this criminal original petition is closed.

No Costs.

12.03.2024

Index : Yes/No

Speaking order:Yes/No

Neutral citation:Yes/No

SSR



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SSR

To

- 1.The Superintendent of Police,
Vellore District,
Vellore.
- 2.The Inspector of Police,
Katpadi Police Station,
Vellore.
- 3.The Public Prosecutor,
High Court, Madras.

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The matter was listed under the caption 'for being mentioned' today.

2.The learned Additional Public Prosecutor appearing on behalf of the respondent Police submitted that whenever the Police accompany the petitioner for fencing the property, the rival parties are disrupting the same and they are also threatening to commit self immolation. Therefore, the learned Additional Public Prosecutor submitted that some positive directions are required in this case to enable the Police to proceed further.

3.It is seen from the records that the civil proceedings in this case had ended in favour of the predecessor in interest of the purchaser upto the Apex Court. All the relevant judgments/ orders were also placed before this Court. In view of the same, the successor in interest cannot be prevented in protecting the property and enjoying the same by fencing the property. Just because there is



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threat by the rival parties to commit self immolation, that cannot be a ground to prevent the fencing of the property.

4.In view of the same, there shall be a positive direction to the second respondent to provide Police protection to the petitioner to enable the petitioner to fence the subject property. If there is any disruption or any law and order problem is created, it is left open to the respondent Police to take action in accordance with law.

5.The above order shall form part of the order passed on 12.03.2024.

pri

21.03.2024

CrI.O.P.No.5520 of 2024