



Crl.O.P.No.8067 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.8067 of 2024

Mangammal

... Petitioner

Vs.

1.The Collector,
Collector Office, GST Road,
Chengalpattu District-603 001.

2.The Superintendent of Police,
Chengalpattu, Collectorate,
GST Road, Chengalpattu-603 001.

3.The Rvenue Divisional Officer,
VOC Nagar, Chengalpattu,
Ammanpakkam Village,
Chengalpattu.

4.The Head Surveyor,
Madurantakam Taluk,
Chengalpattu District.

5.The Village Administrative Officer,
Andavakkam Village,
Madurantakam Taluk,
Chengalpattu District.

6.The State Rep.by
The Inspector of Police,
Padalam Police,



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Madurantakam,
Chengalpattu District.

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7.Arumugam
8.Ellammal

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to direct the 6th respondent to provide protection to the petitioner's agricultural land for surveying and measuring by the 4th and 5th respondents and take action on the petitioner's complaint dated 08.11.2023 and give police protection to the petitioner's life and limb from the 7th and 8th respondents and their henchmen and also give protection to the petitioner's properties.

For Petitioner : Mr.Rajakumar A.

For R1 to R6 : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

ORDER

The petitioner herein fortified by a decree passed by the Sub Court regarding the property more fully described in the schedule of the decree alleges that when she attempted to demarcate the property as per the decree with the help of Surveyor, the 7th and 8th respondents and their henchmen prevented from surveying the land and therefore, needs protection for the property and to complete the demarcation process.



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2. The learned Government Advocate (Crl.Side) states that on

08.11.2023, the petition was received from the petitioner stating that the villagers are objecting measuring the land with the help of Surveyor. In the course of enquiry, the 7th respondent has given a letter to the police that the portion of the land belongs to water body. Since the petitioner stated that she will get permission from the civil Court for police protection and will measure the land through Surveyor with the help of the police, CSR.No.1426 was closed and the dispute regarding the title, she has to work out the remedy only through the civil Court and the remaining portion of the land can be measured and fenced.

3. This Court finds that though the petitioner fortified with the decree, there is a dispute regarding the identification of the property. In such circumstances, identification of the property must be done by proper Revenue Authorities and if there is any difficult in identification, the said Revenue Authority can seek for police protection only in such case where the civil dispute will lead propensity of a criminal act. The police has interfered in this case and has found that there is a dispute regarding the identification of the property and have rightly directed the



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parties to approach the Court and get appropriate orders. Hence the petitioner is before this Court seeking police protection which cannot be granted as such without ascertaining the identity of the property to which the civil Court has granted decree. Hence the petitioner is given liberty to implement the decree by filing of EP, get assistance of the Advocate Commissioner and measure the land through Surveyor as per the revenue records and if there is any difficulty, the police shall provide protection on the request of the Surveyor who is the public servant and any disturbance to discharge of the duty by a public servant should be taken note by the police to give adequate protection.

4. With the above directions, this Criminal Original Petition is disposed of.

03.04.2024

Index : Yes/No

Neutral Citation : Yes/No

rpl

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6.The Inspector of Police,
Padalam Police,
Madurantakam,
Chengalpattu District.

7.The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

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