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Crl.OP.No.9467 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 19.06.2024

CORAM

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

Crl.OP.No.9467 of 2024

1. Sabarinath
2. Karthikeyan
3. Shanmugam
4. Manimohan
5. Rathinabala

... Petitioners

Vs.

1. The Superintendent of Police,  
Office of the Superintendent of Police,  
Salem.
2. The State Rep. by the Inspector of Police,  
Omalur Police Station,  
Omalur, Salem District.
3. The Tahsildar,  
Omalur Taluk, Salem District.
4. The Surveyor, Taluk Office,  
Omalur, Salem District.
5. The Village Administrative Officer,  
Omalur Village, Omalur Taluk,  
Salem District.

6. Kannaiyan

... Respondents



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**Prayer:** Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the second respondent police to adequate police protection to the petitioners and the revenue authorities for survey the land of the petitioners by metes and bounds and for fencing the lands of the petitioners in Survey Nos.327/2, 3, 4, 5, 6 and 7 at Omalur Village, Omalur Taluk, Salem District.

For Petitioner : Mr.T.Saikrishnan

For Respondents : Mr.S.Udaya Kumar  
Government Advocate (Crl.Side)  
for R1 to R5

: Mr.T.Ganesan for R6

### **ORDER**

This petition is filed seeking police protection for surveying the land of the petitioners by metes and bounds and put up fence. After notice, the sixth respondent /rival claimant appeared through his counsel and stated that regarding the title of the property, suit was initiated and in pending suit, the learned counsel died and therefore, the suit was filed and decreed in his favour and therefore, the petitioner has no right over the Survey Nos.327/2, 3, 4, 5, 6 and 7, Omalur Taluk and Village, Salem District.



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2. The learned Government Advocate (Crl.Side) appearing for the respondent police on the representation given by the petitioner, enquiry was conducted and the 1<sup>st</sup> petitioner viz., Sabarinath has given a letter stating that he will work out the remedy before the Civil Court.

3. In the light of the rival claim over the property, the police are unable to give protection to the petitioners herein for measuring the land in proper course and the parties shall approach the Civil Court and get their remedy. Therefore, the prayer in the writ petition is not maintainable.

4. With the above observation, this Criminal Original Petition is dismissed.

**19.06.2024**

Vv

To

1. The Superintendent of Police,  
Office of the Superintendent of Police,  
Salem.
2. The Inspector of Police,  
Omalur Police Station,  
Omalur, Salem District.
3. The Tahsildar,  
Omalur Taluk, Salem District.
4. The Surveyor, Taluk Office,  
Omalur, Salem District.



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5. The Village Administrative Officer,  
Omalur Village, Omalur Taluk, Salem District.

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**Dr.G. JAYACHANDRAN, J.**

Vv

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