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Crl.O.P.No.25213 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2024

CORAM

**THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN
THILAKAVADI**

Crl.O.P.No.25213 of 2024

1. Chinnasamy Kounder
2. Dhanabal

... Petitioners

Vs.

1. The Superintendent of Police,
Tiruppur District,
Near Sasthiri Nagar,
Angeripalayam Road,
Angeripalayam,
Tiruppur - 641 603.
2. The Inspector of Police,
Kamanaickenpalayam Police Station,
Kamanaickenpalayam,
Tiruppur - 641 669.

3. Rathinasamy

... Respondents

PRYAER: Criminal Original Petition filed under Section 528 of BNSS Act, 2023 pleaded to issue a direction to the first respondent to instruct the second respondent Police to give necessary Police protection to the life and limb of the petitioners to enter and use their agriculture field in S.No.260/1 at Ve.Vadamalaipalayam, Palladam Taluk, Tiruppur District on the basis of the petitioner's representation dated 26.06.2024.



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For Petitioners : Mr.E.Anandan

For Respondents : Mr.L.Baskaran
Government Advocate for R1 and R2

ORDER

This criminal original petition has been filed to direct the first respondent to instruct the second respondent Police to provide police protection to the petitioners on the basis of the representation dated 26.06.2024.

2. It is the case of the petitioners that the lands comprised in S.No.260/1 are the self acquired properties of one Nachimuthu Kounder, who is none other than the father of the first petitioner and after his demise, the first petitioner and his three brothers partitioned the above said properties. The portion of land admeasuring 0.13 acres consisting of one well with 5 H.P. motor pump set had been partitioned to be jointly used by the first petitioner and one of his brothers, namely, Eswaramoorthy Kounder. That apart, from the common well available to them, the first petitioner had dug a separate well in the land partitioned to him in



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S.No.260/1 and had been using the said well with generator. The petitioners made several attempts to get separate electricity connection for their well, however, the third respondent along with the first petitioner's brother had been causing unlawful restraint and disturbing the peaceful possession of the property by the first petitioner and therefore, the first petitioner filed a civil suit in O.S.No.36 of 2023 before the District Munsif Court, Palladam. When the suit is pending, the third respondent entered into the land belonging to the petitioners and placed a fence around the petitioners' well. Therefore, the first petitioner lodged a complaint against the third respondent. Whenever the petitioners visit their agricultural farm for irrigation, the third respondent and his family members are giving life threats to the petitioners. Therefore, the petitioners made a complaint to the first respondent on 26.06.2024, however, no action was taken. Hence, this Petition has been filed.

3. Heard Mr.E.Anandan, learned counsel for petitioners and Mr.L.Baskaran, learned Government Advocate appearing on behalf of first respondent.



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4. Learned Government Advocate (Crl.Side) appearing for first respondent submitted that a decision will be taken on the petitioners' representation dated 26.06.2024 at the earliest.

5. In view of the same, this Criminal Original Petition is disposed of directing the first respondent / Superintendent of Police to conduct enquiry with regard to the threat given to the petitioners and also to take a decision on the petitioners' representation dated 26.06.2024 and pass appropriate orders on merits and in accordance with law as expeditiously as possible.

6. With the above direction, this Criminal Original Petition is disposed of.

09.10.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

vji



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3. The Public Prosecutor,
Madras High Court.



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