



Crl.O.P.(MD)No.851 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.(MD) No.851 of 2022

V.Muthusamy @ Abdul Majid @ Jahir Hussain ... Petitioner

Vs.

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

2.The Inspector of Police,
Alangulam Police Station,
Tenkasi District.

3.Thangammal

4.Valliammal

5.Kannimariyal ...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the second respondent to provide police protection to the petitioner and to fence the petitioner's land in S.No.393/2E admeasuring 28.50 cents and S.No.418/1B admeasuring 11 cents situated at Alangulam Village, Alangulam Taluk, Tenkasi District, based on the complaint of the petitioner dated 07.10.2021 and CSR receipt No. 1142/2021.



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For petitioner : Mr.T.Selvan
For R1 and R2 : Mr.B.Nambiselvan,
Additional Public Prosecutor
For R3 to R5 : Mr.R.J.Karthik

ORDER

This Criminal Original Petition has been filed to direct the second respondent to provide police protection to the petitioner to fence his lands in S.No.393/2E admeasuring 28.50 cents and S.No.418/1B admeasuring 11 cents situated at Alangulam Village, Alangulam Taluk, Tenkasi District.

2. The grievance of the petitioner is that the subject properties are the ancestral properties of the petitioner and his father has executed a settlement deed in favour of the petitioner vide Document No.3567/2006 dated 04.12.2006 in respect of the subject properties. While so, when the petitioner was trying to fence his lands, the private respondents prevented the petitioner from fencing the lands. Hence, he made a representation before the respondents 1 and 2 to provide police protection to him to fence his lands. However, the same was not considered. Hence, this Petition has been filed.



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3. The learned counsel appearing for the petitioner would submit that admittedly, the petitioner is the owner of the subject property which was acquired by him by way of the Settlement Deed from his father. However, the private respondents have not allowed the petitioner to enjoy the properties. Hence, the petitioner has made the representation before the respondents 1 and 2.

4. Per contra, the learned counsel appearing for the private respondents submits that there was a property dispute between the petitioner and the private respondents and a suit was filed in O.S.No.170 of 2008, before the Principal District Munsif, Tenkasi and the same was decreed on 18.09.2013, against which, the petitioner has preferred an appeal in A.S.No.38 of 2013 before the Additional Sub Court, Tenkasi and it was decreed. Challenging the same, the Second Appeal has been filed and it is in SR Stage.

5. In view of the above submission made by the learned counsel appearing for the private respondents, the parties have already worked out their remedy before the civil Court and therefore, there is no necessity for issuing direction to the second respondent to provide police



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protection to the petitioner to fence his lands.

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6. Accordingly, this Criminal Original Petition is dismissed.

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Index : Yes/No

Internet : Yes/No

ssb

To

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

2.The Inspector of Police,
Alangulam Police Station,
Tenkasi District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

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