



CrI.O.P.(MD) No.2915 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2024

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THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.2915 of 2024

Ganapathi

...Petitioner

VS

**1.The Superintendent of Police,
Office of Superintendent of Police,
Ramanathapuram District.**

**2.The Inspector of Police,
S.P.Pattinam Police Station,
Ramanathapuram District.**

3.Nagalingam

4.Ramanathan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the Respondent No.2 to give adequate police protection to the Petitioner and his family members for their life and limb and his properties in Patta No.9809 comprised in Survey No.91/10B1 to an extent of 0.7.22 Ares situated at Puliyoor Village, Pulloor Group, Thiruvadanai Taluk, Ramanathapuram District on the basis of the Petitioner's representation dated 16.12.2023.

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For Petitioner : Mr.A.George Stephen Kanikkairaj

For R1 & R2 : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)

ORDER

The learned Counsel for the Petitioner submits that the Petitioner had filed this Petition seeking direction against the Respondents 1 and 2 to initiate steps to refrain the Respondents 3 and 4 from attempting to trespass into the property belonging to the Petitioner, which is an ancestral property. It is the contention of the learned Counsel for the Petitioner that during UDR patta, the Revenue Authorities by error gave patta to one Nagalingam and Gopal. The Petitioner herein found out the error and gave a Petition to the Revenue Divisional Officer. The Revenue Divisional Officer conducted enquiry and rectified the same. By then, the third Respondent had put up a construction in a part of the property originally belonging to the family of the Petitioner. The Revenue Divisional Officer had exempted that particular property from issuing fresh patta to the Petitioner. Aggrieved by the same, the said Nagalingam and Gopal had preferred an appeal before the District Revenue Officer. That was dismissed, against which they preferred Writ Petition and that was also dismissed by this Court.



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2.While so, the Petitioner herein had attempted to put up fence to protect the property as per the fresh patta. Now, the Respondents 3 and 4 are interfering with the peaceful possession of the Petitioner in the property and threatened him and his family members. Therefore, he had sought police protection to put up the fence and also for protection to his family members.

3.The learned Government Advocate (CrI.side), on instructions of the second Respondent, would submit that the Respondents 1 and 2 had not received any representation from the Petitioner. If there is any representation, the Respondents 1 and 2 are ready to conduct an enquiry as per the circular of the Director General of Police, Head of State Police Force, Tamil Nadu State, Chennai -4 issued in Rc.No.892914/X1/2020 dated 12.03.2021 and pass appropriate orders.

4.In the light of the above, the Petitioner is directed to approach the Civil Court for appropriate remedy. Without approaching the Civil Court, he cannot seek police protection.



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With the above directions, this Criminal Original Petition is disposed

of.

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To

The Superintendent of Police,
Office of Superintendent of Police,
Ramanathapuram District.

2.The Inspector of Police,
S.P.Pattinam Police Station,
Ramanathapuram District.

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



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SATHI KUMAR SUKUMARA KURUP, J.

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