



CrI.O.P.(MD)No.10500 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.(MD)No.10500 of 2022

R.Lakshmanan

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Virudhunagar District.

2.The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.

3.The Sub Inspector of Police,
Keela Paralachi Police Station,
Virudhunagar District.

4.Valli

5.A.Muthupandi

6.A.Guru

7.A.Veerapandi

... Respondents

PRAYER:- Petition filed under Section 482 of Cr.P.C., to direct the respondents 1 to 3 to provide adequate police protection to enable the petitioner to construct boundary wall in S.No.334/48, 49 situated at Keelakudi Village, Paralatchi Via, Arupakkottai Taluk, Virudhunagar District, without any hindrance.



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For Petitioner : Mr.S.Rajasekar
For R1 to R3 : Mr.S.Manikandan
Government Advocate (Crl.Side)
For R4 & R5 : Mr.S.Selva Aditya

ORDER

This Criminal Original Petition has been filed to direct the respondents 1 to 3 to provide adequate police protection to enable the petitioner to construct boundary wall in S.No.334/48, 49 situated at Keelakudi Village, Paralatchi Via, Arupakkottai Taluk, Virudhunagar District, without any hindrance.

2.The case of the prosecution is that the petitioner is the owner of the property in S.Nos.334/48 & 49 situated at Keelkudi Village, Paralatchi Via, Arupakkottai Taluk, Virudhunagar District. Originally the property was belong to the grand-mother of the petitioner namely, Palaniammal. She executed a partition deed in favour of his father namely, Ramasamy Pillai on 20.04.1909 vide D.No.672/1909. In the year 1991, the petitioner's father and brothers executed the sale deed in favour of the petitioner. Thereafter, the petitioner is in continuous possession and enjoyment of the said property. In order to establish the title, the petitioner already filed a suit in O.S.No.273 of 1995 on the file of the District Munsif Court, Arupukottai filed by one Meenakshi Ammal and her



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daughter Saraswathi Ammal. Thereafter, the petitioner obtained Patta for the land in S.No.334/48. In the year 1991-1992, at the time of re-survey, the remaining portion of the land in front of the petitioner's house in S.No.334/49 was mentioned as 'Natham Poromboke Land', the petitioner approached the Tahsildar, Aruppukottai to grant patta in his favour for that land and subsequently, he filed W.P.(MD)No.13014 of 2016 before this Court and by the order dated 24.02.2023, this Court disposed the said writ petition with liberty to the petitioner to work out his remedy before the competent civil Court. In the mean while, the petitioner has decided to put up boundary wall in S.No.334/48 and the same was objected by the private respondents. Hence, the petitioner filed this petition with the above said prayer.

3.The learned counsel appearing for the petitioner would submit that this Court may issue a direction to the respondent to give adequate police protection to the petitioner to construct compound wall in S.Nos.334/48 & 49. Accordingly, he prayed for appropriate orders.

4.The learned counsel appearing for the respondents 4 & 5 would submit that admittedly, the fifth respondent already filed a suit in O.S.No.173 of 2003 for appointment of an Advocate Commissioner and the suit was decreed as



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S.Nos.334/49 is a common pathway. However, contrary to the same, the petitioner approached the Law Enforcing Agency to provide police protection for construction of compound wall, is not sustainable one. Accordingly, he prayed for dismissal of this petition.

5.Already, the petitioner approached this Court by way of filing WP(MD)No.13014 of 2016 seeking patta for the very same survey number i.e., S.No.334/49 to an extent of 218 sq.ft and the same was disposed on 24.02.2023 by granting liberty to the petitioner to approach the competent civil Court. When such a direction is available, again, the petitioner filed this petition for the very same prayer is not sustainable one. Hence, the prayer sought for by the petitioner cannot be granted.

6.Accordingly, this Criminal Original Petition is dismissed. However, liberty is granted to the petitioner to work out his remedy in the manner known to law.

13.02.2024

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
dss



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- 3.The Sub Inspector of Police,
Keela Paralachi Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

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