



Crl.O.P.(MD) No.12359 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 01.08.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.12359 of 2024

S.A.Mohammed Saleem

... Petitioner

Vs

1. The Superintendent of Police,
Ramanathapuram
Ramanathapuram District.

2. The Inspector of Police,
Ervadi Dharga Police Station
Ervadi,
Ramanathapuram District.

3. Mohamed Abupakkar

4. Jaheer Usain

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the respondent to give the Police Protection of the petitioner representation dated 13.04.2024 for fencing the boundary work of the property in Survey No.38, Patta No.11978 situated at Ervadi Village, Keelakarai Taluk, Ramanathapuram District, within the stipulated time as fixed by this Court.



Crl.O.P.(MD) No.12359 of 2024

For Petitioner : Mr.H.Velavadhas
For R1 & R2 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

This criminal original petition has been filed seeking Police Protection from the respondent police by considering the petitioner's representation, dated 13.04.2024.

2.The petitioner claims that he is the owner of the property in S.No.38 to the extent of 2.68 hectares and the patta for the land stands in his name. According to him, it is the petitioner's ancestral property and the petitioner is enjoying the property and paying tax. He also submits that there were wrong entries in the SLR and one Mohamed Tasthageer's name is also added with the petitioner's father name. Therefore, he has filed an appeal before the Settlement Authority and the same was allowed with a direction to the Assistant Settlement officer to conduct a fresh enquiry in the order passed in RA-113/75, dated 26.03.1976. After that the name of the Mohamed Tasthageer was deleted from the SLR and the patta was also



Crl.O.P.(MD) No.12359 of 2024

issued in the petitioner's father name on 10.08.1977. The petitioner has also filed a suit before the District Munsif Court, Muthukulathoor, in O.S.No. 315 of 1995 seeking a relief of declaration and permanent injunction and the suit was also decreed in his favour on 27.11.2002. In this context, the petitioner has also made a request for conducting survey on the petitioner's property and a survey was also conducted on 28.03.2024. The Surveyor has fixed the boundary stones and the petitioner has fenced the property. While so, the he third and fourth respondents have damaged the stones planted by the Surveyor and therefore, the petitioner has lodged a complaint before the second respondent police on 13.04.2024. However, the same was not considered by the second respondent and therefore, the petitioner has approached the Chief Minister Cell and gave a complaint on 04.07.2024, which was forwarded to the first respondent. The first respondent has directed the second respondent to conduct an enquiry and the second respondent has also conducted the enquiry in C.S.R.No.195 of 2024 and the same was closed.

3.This Court has considered the submissions made on behalf of the petitioner.



Crl.O.P.(MD) No.12359 of 2024

4.The petitioner has obtained a decree in his favour, the patta for the subject property stands in his name, he has also obtained an order for surveying his property and the survey was also conducted on 28.03.2024, after providing notice to the adjacent land owners. If the third and fourth respondents are having any grievance as against the petitioner with regard to the survey conducted, they ought to have filed an appeal as against the survey conducted by the Revenue officials instead they cannot take the law into their hands by demolishing the boundary stones. The authority concerned alone can plant the boundary stones. In the event if a boundary stone has been fixed by the competent authority, then no one including the respondents 3 and 4 can cause damage to the boundary stone.

5.In the event if any boundary stone has been damaged as alleged by the petitioner, then the respondent police is expected to conduct an enquiry and take appropriate action as against the persons, who have damaged the boundary stones.

6.Accordingly, the criminal original petition is ordered with a direction to the respondent police to take appropriate action in accordance



Crl.O.P.(MD) No.12359 of 2024

with law based on the petitioner's complaint and to dispose of the same with a detailed report. In the event if the petitioner is having any grievance, the petitioner has to workout his remedy only in the manner known to law. The respondent police shall also get the clarification as to the rights of the parties.

01.08.2024

NCC : Yes/No
Internet: Yes/No
Index: Yes/No
LR

- To
1. The Superintendent of Police,
Ramanathapuram
Ramanathapuram District.
 2. The Inspector of Police,
Ervadi Dharga Police Station
Ervadi,
Ramanathapuram District.
 3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD) No.12359 of 2024

B.PUGALENDHI, J.

LR

CRL.O.P (MD) No.12359 of 2024

01.08.2024