



Crl.O.P.(MD)No.12955 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.12955 of 2024

R.Atchammal

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Kovilpatti, Thoothukudi District.

3.The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.

4.Mariyammal

5.Sankarappan

6.Atchanna

7.Parvathy

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the respondents 1 to 3 to provide adequate police protection to the petitioner during survey and fencing of her properties in S.Nos.9/3B, 5/6A, 5/6C and 5/6E of Villicheri Village, Kovilpatti Taluk, Thoothukudi District by considering the petitioner's representation, dated 30.04.2024.



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For Petitioners : Mr.R.Pon Karthikeyan
For Respondents : Mr.P.Kottai Chamy,
Government Advocate (Criminal Side)
for R1 to R3.

ORDER

This Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders, to direct the respondents 1 to 3 to provide adequate police protection to the petitioner during survey and fencing of her properties in S.Nos.9/3B, 5/6A, 5/6C and 5/6E of Villicheri Village, Kovilpatti Taluk, Thoothukudi District by considering the petitioner's representation, dated 30.04.2024.

2. Despite the receipt of Court notice, the private respondents 5 to 7 have not turned up. Notice sent to the fourth respondent returned as died. The legal heirs of the fourth respondent are already on record.

3. The learned counsel for the petitioner would submit that the petitioner has filed a suit in O.S.No.199 of 2013 against the fourth respondent and the suit was decreed in favour of the petitioner; that the fourth respondent has preferred an appeal in A.S.No.45 of 2015 and the



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same came to be dismissed on 28.02.2019; that the fourth respondent has then preferred second appeal in S.A(MD)No.687 of 2021 before this Court and the same was also dismissed on 26.04.2023 and that since the fourth respondent died, the respondents 5 and 6, who are son and daughter of fourth respondent, have filed a suit in O.S.No.140 of 2023 and that the petitioner has filed a petition to reject the plaint and the same was allowed on 04.07.2024.

4. The petitioner has also filed a writ petition in W.P.(MD)No.23755 of 2023, seeking direction to survey the petitioner's land and this Court vide order, dated 29.09.2023, directing the official respondents therein to conclude the survey within a period of 8 weeks from the date of receipt of copy of that order. He would further submit that though the petitioner has given a representation for police protection, the private respondents have been raising objections and on that ground, the third respondent has refused to grant police protection.

5. As already pointed out, despite receipt of notice, the private respondents have not turned up.



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6. Considering the above, the third respondent is directed to consider the petitioner's representation by taking note of the decree obtained by the petitioner, which came to be confirmed by this Court and also the order of the writ Court and take a decision within a period of two weeks from the date of receipt of copy of this order.

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

04.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Superintendent of Police,
Thoothukudi District, Thoothukudi.
- 2.The Deputy Superintendent of Police,
Kovilpatti, Thoothukudi District.
- 3.The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

DAS

Order made in
Crl.O.P.(MD)No.12955 of 2024

Dated: 04.09.2024