



Crl.O.P.(MD)No.15955 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:12.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD) No.15955 of 2022

1.S.Gopal Konar

2.M.Gopal Konar

... Petitioners /
Aggrieved Persons

Vs.

1.The Superintendent of Police,
Tirunelveli District.

2.The Inspector of Police,
Manur Police Station,
Tirunelveli District.

3.Selvaraj

4.E.Paldass

5.M.Subramanian

6.Sudalai

7.Arumugam

8.The District Collector,
Tirunelveli District.



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9.The Tahsildar,
Manur Taluk, Tirunelveli District.

10.The Special Officer,
Ettankulam Panchayat,
Tirunelveli District.

(The respondent Nos.8 to 9 are impleaded as per orders in Crl.M.P(MD) Nos.12346 and 13111 of 2022 in Crl.O.P(MD) No.15955 of 2022, dated 09.01.2022 and 01.11.2022 respectively.

... Respondents

Prayer: The Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the Respondent Nos.1 and 2 to award adequate Police protection for the life and limb while enjoying the properties situated in Survey No.539/2C (Extend 0.28.50 Hectares) and in Survey No.539/1 (Extend 1 Acre and 24 Cents), Ettankulam Village, Manur Taluk, Tirunelveli District, on the basis of the judgment delivered by the learned District Munsif, Tirunelveli in O.S.No.343 of 2016, dated 12.09.2016 and in pursuance to the petitioner's representation, dated 02.11.2021.

For Petitioner : Ms.V.Moushika, for

Mr.R.Anand

For R1, R2, R8 to R10 : Mr.P.Kottaichamy,
Government Advocate (Crl.side)

For R6 to R7 : Mr.G.Karupasamy Pandian



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ORDER

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This Criminal Original Petition has been filed to direct the Respondent Nos.1 and 2 to award adequate Police protection for the life and limb while enjoying the properties situated in Survey No.539/2C (Extend 0.28.50 Hectares) and in Survey No.539/1 (Extend 1 Acre and 24 Cents), Ettankulam Village, Manur Taluk, Tirunelveli District, on the basis of the judgment delivered by the learned District Munsif, Tirunelveli in O.S.No.343 of 2016, dated 12.09.2016 and in pursuance to the petitioner's representation, dated 02.11.2021.

2. The case of the petitioners is that the petitioners are the owner of the property in Survey No.539/2C. The private respondent Nos.3 to 7 have started claiming that in the said property, there is a road plying from South to North, which meant for public. Thereafter, the petitioners filed the suits in O.S.Nos.341 of 2016 and 1703 of 2016 before the District Munsif Court, Tirunelveli. By the order dated 12.09.2019, the suit in O.S.No.341 of 2016 was decreed in favour of the first petitioner. Even thereafter, the private respondents disturbed the petitioners' possession,



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hence, they made a representation seeking Police protection on 02.11.2021 to the first respondent, but the same was not considered and no action has been taken. Hence, the present petition has been filed.

3. The learned counsel for the private respondent Nos.6 and 7 would submit that though the 1st petitioner filed a suit in O.S.No.341 of 2016 before the District Munsif Court, Tirunelveli, the private respondents are not arrayed as parties in that suit. The said disputed property is a pathway, but, the petitioners interfering the private respondents' right. Since, it is purely civil dispute between the parties, this Court may grant liberty to the petitioners as well as the private respondents to workout their remedy in the manner known to law before the competent civil Court.

4. The learned counsel for the respondent Nos.1, 2, 8 to 10 would submit that the petitioners are trying to encroach the public pathway, which meant for public and the same was rejected by the private respondents and the other officials. Since, it is purely civil dispute



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between the parties, this Court may grant liberty to the petitioners as well as the private respondents to workout their remedy in the manner known to law before the competent civil Court.

5. It appears to be a civil dispute in between the petitioners and the private respondents, whereas the petitioners claimed as they are the owners of the disputed property and further, the private respondents claimed that the said property is the public pathway and in the earlier suit filed by the petitioners, the private respondents are not arrayed as parties.

6. In view of the above, liberty is granted to the petitioners to file appropriate civil suit before the competent civil Court as against the private respondents.

7. With the above said liberty, this Criminal Original Petition is dismissed.

12.02.2024

NCC:Yes/No
Index:Yes/No
Internet:Yes/No
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M.DHANDAPANI,J.

Indu

To:

- 1.The Superintendent of Police,
Tirunelveli District.
- 2.The Inspector of Police,
Manur Police Station,
Tirunelveli District.
- 3.The District Collector,
Tirunelveli District.
- 4.The Tahsildar,
Manur Taluk, Tirunelveli District.
- 5.The Special Officer,
Ettankulam Panchayat,
Tirunelveli District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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