



Crl.O.P.(MD)No.18267 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.18267 of 2022

D.Selvaraj

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Manamadurai, Sivagangai District.

3.The Inspector of Police,
Thiruppuvanam Police Station,
Thiruppuvanam.

4.Rajkumar

5.Vanithamani

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents 1 to 3 to provide adequate police protection to the petitioner for his life, limb and to run his shops situated in No.35, Thiruppuvanam Main Road, Thiruppuvanam, Sivagangai District by considering the petitioner's representation, dated 03.10.2022.

For Petitioner : Mr.K.Sathishkumar

For Respondents : Mr.B.Nambiselvan

Additional Public Prosecutor for R1 to R3

Mr.Seeni Syed Amma for R4 & R5



ORDER

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The Criminal Original Petition has been filed to direct the respondents 1 to 3 to provide adequate police protection to the petitioner for his life, limb and to run his shops situated in No.35, Thirupuvanam Main Road, Thiruppuvanam, Sivagangai District by considering the petitioner's representation, dated 03.10.2022.

2.The case of the petitioner is that the petitioner secured the property by way of settlement deed from the fifth respondent. However, the fifth respondent and the petitioner's brother prevented the petitioner to enjoy the property. Thereby, the present petition is filed.

3.The learned counsel for the petitioner would submit that the fifth respondent had already approached the authority under the Maintenance and Welfare of Senior Citizens Act and the same was dismissed. However, directed the petitioner to pay monthly maintenance of Rs.3,000/- to his mother/fifth respondent. However, the respondents 4 and 5, who are the mother and brother of the petitioner prevented the petitioner to enjoy the property, which is not sustainable one. Hence, this



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Court may issue a direction to the respondents police 1 to 3 to provide adequate police protection to the petitioner to enjoy the property.

4.The learned counsel for the respondents 4 and 5 would submit that the petitioner and the fourth respondent's son are not taking care of the fifth respondent, for which, the fifth respondent taken asylum in the nearby temple and they paid only Rs.3,000/- as monthly maintenance which is not sufficient. Even then, the petitioner filed a writ petition for harassing the fifth respondent and the fifth respondent is more than 83 years old and the fifth respondent is disturbing the petitioner's peaceful possession and enjoyment of the property, which is an unimaginable one. He would further submit that the petitioner, instead of approaching the competent civil Court as against the fourth respondent, has filed the present petition, which is purely a harassment towards the fifth respondent.

5.In view of the above facts and circumstances of the case, the fifth respondent is aged about 83 years and the present writ petition is filed only with the intention of harassing the fifth respondent and the fifth respondent is disturbing the petitioner's peaceful possession and



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enjoyment of the property, which is an unimaginable one. Hence, the prayer sought for by the petitioner cannot be granted by this Court.

6.Accordingly, this petition is dismissed.

26.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Sji

To

- 1.The Superintendent of Police,
Sivagangai District, Sivagangai.
- 2.The Deputy Superintendent of Police,
Manamadurai, Sivagangai District.
- 3.The Inspector of Police,
Thiruppuvanam Police Station,
Thiruppuvanam.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

Sji

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