



Crl.O.P.(MD)No.17793 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.17793 of 2024

Chandran

... Petitioner

Vs.

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

2.The Inspector of Police,
Singampurai Police Station,
Sivagangai District.

3.Karuppaiah

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking a direction to the respondents 1 and 2 to provide Police protection to the petitioner's life and limb and his property in Survey Nos.685/33 and 685/35 in Soorampatti Village, Singampunari Taluk, Sivagangai District, by considering the petitioner's representation dated 30.09.2024.

For Petitioner : Mr.M.Murugesan

For R1 and R2 : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal side)



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For R3

: Mr.S.Muthukannan

ORDER

The petitioner submitted a representation on 30.09.2024, stating that there is a dispute between the petitioner and Karuppaiah (the third respondent) regarding Survey Nos.685/33 and 685/35 in Soorampatti Village, Singampunari Taluk, Sivagangai District. The petitioner had filed a civil suit in O.S.No.176 of 2019 before the District Munsif-cum-Judicial Magistrate Court, Singampunari, and the Civil Court had passed a favourable order in favour of the petitioner. Subsequently, the petitioner began clearing the bushes on the property, but Karuppaiah, who had lost the suit, obstructed the petitioner's actions. The petitioner sought Police protection to clear the bushes without interference from Karuppaiah, but no action was taken. Hence, the petitioner has filed the present petition.

2. This Court, in its order dated 18.10.2024, recorded that Karuppaiah had filed a suit in O.S.No.183 of 2019 before the District Munsif-cum-Judicial Magistrate Court, Singampunari, while the petitioner had filed a suit in O.S.No.176 of 2019 before the same Court.



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The suit filed by Karuppaiah was dismissed, and the suit filed by the petitioner was decreed in his favour. In light of the same, the respondent Police are required to provide protection in accordance with the Civil Court's decree. However, despite this observation made in the order dated 18.10.2024, the petitioner submitted that no protection has been provided.

3. The learned Government Advocate (Criminal side) for the respondents 1 and 2 submitted that the petitioner had been submitting multiple complaints against Karuppaiah. Specifically, the petitioner had submitted a complaint on 24.09.2024, followed by another similar complaint on 30.09.2024. On receipt of these complaints, C.S.R.No.587 of 2024 was registered. Subsequently, both the petitioner and Karuppaiah were summoned for enquiry. During the enquiry, it was noted that the petitioner had obtained a favourable decree from the Civil Court. Therefore, Karuppaiah was advised to comply with the Civil Court's decree, and warned that failure to do so would result in Police action. The said Karuppaiah acknowledged the same. However, the petitioner's request for Police protection to clear the bushes was not feasible, as the



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presence of Police officers during such activities could not be maintained indefinitely. Hence, the request was denied, and the petitioner was advised to approach the Police, if any obstruction or interference occurred in the future, at which point, appropriate action would be taken. Following the same, the complaint was closed.

4. Considering the submissions and on perusal of the materials, it is seen that this Court, by its order dated 18.10.2024, had noted that the petitioner had obtained a Civil Court decree in his favour, and that the Police were required to provide protection in accordance with the Civil Court's decree. It was further recorded that the petitioner has the right to clear the bushes from his property without hindrance from Karuppaiah or any other person, as the Civil Court had affirmed the petitioner's ownership and right to enjoyment of the property.

5. In the event of any obstruction by Karuppaiah or any other person to the petitioner's enjoyment of the property, the respondent Police are directed to take immediate action to ensure that the petitioner's right to enjoy the property is not hindered and to provide protection for the petitioner's life.



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

14.11.2024

NCC : Yes / No
Index : Yes / No
smn2

To

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



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M.NIRMAL KUMAR, J.

smn2

Order made in
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