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Crl.O.P.(MD).No.19512



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD).No.19512 of 2023

P.Ramalingam

...Petitioner

Vs.

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

2.The Inspector of Police,
Tuvankurichi Police Station,
Trichy District.

3.Chinnammal

4.Chinnakannu

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to issue a direction directing the second respondent to provide Police protection to the petitioner to cultivate the land situated in S.No.96/1 to the extent of 1.32 acres situated at Seegampatti Village, Marunkapuri Taluk, Trichy District, by way of consider the petitioner's representation dated 10.08.2023.

For Petitioner

: Mr.S.Sivakumar

For R-1 & R-2

: Mr.B.Thanga Aravindh,
Government Advocate (Crl. Side)

For R-3

: Mr.M.Saravanan

For R-4

: Died



ORDER

This petition has been filed for a direction to the respondent Police to provide Police protection to the petitioner to enable the petitioner to cultivate the land based on the representation made by the petitioner on 10.08.2023.

2. Heard the learned counsel on either side.

3. The petitioner is relying upon the decree passed by a competent Civil Court and the subsequent survey that was conducted by the Tahsildar to fix the boundary stones pursuant to which a patta was also issued in favour of the petitioner in Patta No.2176 with respect to the subject property.

4. The learned counsel appearing for the private respondents submitted that the claim made by the petitioner is un-sustainable and the patta that has been issued in favour of the petitioner has already been put to challenge before the Tahsildar. The Tahsildar is now conducting the enquiry pursuant to the orders passed by this Court in a Writ Appeal. The learned counsel further submitted that the private respondents will work out their remedy before the competent Court / authority and they are not causing any threat to the petitioner as alleged by the petitioner.



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5. The learned Government Advocate (Criminal Side) appearing for the respondent Police on instructions submitted that the parties were called for an enquiry and on considering the nature of dispute, both the parties were asked to work out their remedy before the competent Civil Court. Accordingly, the complaint given by the petitioner was closed.

6. This Court has carefully considered the submissions made on either side and the materials available on records.

7. The petitioner is claiming right over the subject property by virtue of the patta that was granted in favour of the petitioner in Patta No.2176. Till this patta is in force and it stands in the name of the petitioner, the petitioner is deemed to be in possession of the property and carrying out the cultivation. If the private respondents are aggrieved by the same, they will have to first work out their remedy before the competent authority and only after orders are passed in their favour, they can get into action. Till then, the private respondents cannot barge into the property and cause any threat to the petitioner. If in spite of this clarity given by this Court, the private respondents attempt to cause any law and order problem, the respondent Police will deal with the same in the manner known to law.



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8. This Court makes it abundantly clear that the right and title over the property has not been decided in this petition. This order is more a stop gap arrangement to enable the private respondents to work out their remedy before the competent authority / Court and obtain favourable orders to proceed further. Till then, since the patta stands in the name of the petitioner, the private respondents cannot barge into the property and cause law and order problem.

9. This Criminal Original Petition is disposed of in the above terms.

22.11.2024

Index : Yes / No
Internet : Yes / No
Speaking Order/Non Speaking Order
TSG

To

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



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N.ANAND VENKATESH, J.

TSG

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