



CrI.O.P(MD).No.19583 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 13.11.2024

CORAM:

THE HONOURABLE **MR.JUSTICE M.NIRMAL KUMAR**

CrI.O.P(MD).No.19583 of 2024

P.Shanmugam Chettiar

... Petitioner

Vs

1. The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
2. The Deputy Superintendent of Police,
Paramakudi,
Ramanathapuram District.
3. The Inspector of Police,
Parthibanoor Police Station,
Ramanathapuram District.
4. Ulaganathan
5. Rengan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure / 528 of BNSS, 2023, praying this Court to direct the respondents 1 to 3 herein to provide protection to the petitioner and his property comprised in old survey no.279, re-survey no.277/1, new survey no. 514 situated at Parthibanoor Village, Paramakudi Taluk, Ramanathapuram District from the hands of the respondent nos.4 and 5 on the basis of the complaint dated 05.10.2024 and 12.10.2024.



CrI.O.P(MD).No.19583 of 2024

For Petitioner : Mr. C.Senthil Murugan
For R1 to R3 : Mr. A.Thiruvadi Kumar,
Additional Public Prosecutor
(Criminal Side)

WEB COPY

ORDER

The petitioner seeks protection for himself and his property comprised in old survey no.279, re-survey no.277/1 and new survey no.514 situated at Parthibanoor Village, Paramakudi Taluk, Ramanathapuram District from the hands of the respondent nos.4 and 5.

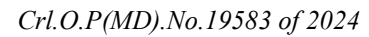
2. The petitioner had earlier lodged a complaint on 05.10.2024 and 12.10.2024. Since no action has been taken, sent an another complaint through post to the Superintendent of Police on 14.10.2024. The petitioner is residing in the said village and the property was purchased by his father namely Palanikumar Chettiar from the legal heirs of Ramasamy Chettiar on 12.05.1964 and since the petitioner's father was possession and enjoyment without any adversity. On 17.01.1997, the property was released to one Vairathirumani Chettiar and later redeemed in 2000. By way of a family arrangement, the property subsequently devolved upon the petitioner. The petitioner's father passed away in the year 2008, and since then, the petitioner has been in possession and enjoyment of the property.



CrI.O.P(MD).No.19583 of 2024

3. The respondents 4 and 5, who are neighboring villagers, migrated to Parthibanoor Village and were staying on the poramboke land adjacent to the petitioner's property. They started causing trouble and also trespassed onto the petitioner's property, cutting down standing trees and removing valuables. Hence, the petitioner had filed a civil suit in O.S. No.87 of 2013. The civil suit obtained a decree in favour of the petitioner declaring that the property belongs to the petitioner and the respondents not to cause any interference and permanent injunction order was granted against the respondents by judgment dated 02.11.2015. Against the judgment, the respondents 4 and 5 have not preferred any appeal and this judgment has become final. This being so, the respondents are now using force in an attempt to interfere with the petitioner's peaceful possession and enjoyment. When questioned, they have also threatened to foist cases under the SC/ST Act against the petitioner, as respondents 4 and 5 belong to the deprived community. Thus the respondent police fearing allegation can be made against them, hence not acting on the petitioner's complaint. The learned Additional Public Prosecutor, on instructions, submitted that the respondent police so far not received any complaint.

4. For four occasion, the petitioner gone to the police station with a



5. In view of the above submission, the petitioner is directed to appear before the respondent police on 19.11.2024 and hand over the copy of the complaint to the 3rd respondent, who to enquire the petitioner's complaint and dispose of the said complaint in the manner known to law.

6. With the above direction, this criminal original petition is disposed of.

13.11.2024

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
pal

Note: Issue order copy on 18.11.2024.



CrI.O.P(MD).No.19583 of 2024

To

WEB COPY

1. The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
2. The Deputy Superintendent of Police,
Paramakudi,
Ramanathapuram District.
3. The Inspector of Police,
Parthibanoor Police Station,
Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrI.O.P(MD).No.19583 of 2024

M.NIRMAL KUMAR,J.

pal

CrI.O.P(MD).No.19583 of 2024

13.11.2024