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Crl.O.P.(MD).No.20104

**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.20104 of 2023**

Periyasamy

...Petitioner

Vs.

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

2.The Inspector of Police,  
Natham Police Station,  
Dindigul District.

3.Andichamy

...Respondents

**PRAYER:** Criminal Original Petition filed under Section 482 Cr.P.C. to direct the first and second respondents to give adequate Police protection as against the third respondent for put up fence in the petitioner's land in the petitioner's land in S.Nos. 592/1 and 592/2 totally measuring 1 acre and 28 cents in Sirugudi Village, Natham Taluk, Dindigul District.

For Petitioner

: Mr.A.Arun Prasad

For R-1 & R-2

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

For R-3

: Mr.P.Banu Prasad



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## **ORDER**

This petition has been filed seeking for police protection against the third respondent in order to enable the petitioner to fence the property.

2. Heard the learned counsel on either side.

3. The petitioner is claiming right over the property by virtue of a sale certificate that was executed on 28.07.2010 in favour of the petitioner by the learned District Munsif cum Judicial Magistrate, Natham in E.P.No.23 of 2006 in O.S.No. 374 of 1994.

4. It is also seen from records that the delivery of possession has also been recorded in E.A.No.52 of 2018 in E.P.No.23 of 2006. In spite of the same, the petitioner is not permitted to fence the property and threat is exhorted by the third respondent.

5. The learned Government Advocate (Criminal Side) appearing for the respondent Police submitted that the enquiry was conducted and closed on 15.10.2023 by directing the parties to agitate their rights before the Civil Court.



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6. In the considered view of this Court, it is the Civil Court which has executed the sale certificate in favour of the petitioner and delivery of possession has also been recorded. Hence, there is no need for the petitioner to once again go before the Civil Court and work out his remedy. It is seen that the petitioner is aged about 76 years and he should not be made to run from pillar to post just because the third respondent has decided to take law into his own hands.

7. In the light of the above discussion, there shall be a direction to the second respondent to call the third respondent and warn him that he cannot interfere the possession and enjoyment of the petitioner, when the petitioner fences the property. If in spite of the same any disturbance or threat is exhorted by the third respondent, action shall be taken against him in accordance with law. The petitioner shall be permitted to fence the property.

8. This Criminal Original Petition is disposed of with the above direction.

**22.11.2024**

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



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To  
1.The Superintendent of Police,  
Dindigul District,  
Dindigul.

2.The Inspector of Police,  
Natham Police Station,  
Dindigul 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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