



Crl.O.P.(MD)No.20357 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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M.R.Saravanan

... Petitioner

VS.

1.The Commissioner of Police,
Madurai City,
Alagar Kovil Road,
Madurai.

2.The Inspector of Police,
Avaniapuram Police Station,
Madurai.

3.V.K.Dharmaraj

4.The Tahsildar,
Madurai South Taluk,
Collector Office, Madurai.

5.The Surveyor,
Madurai South,
Collector Office, Madurai.

... Respondents

[R4 and R5 are suo-motu impleaded vide order dated
10.11.2023]

Prayer:- Petition filed under Section 482 of Cr.P.C., to direct the first respondent to instruct the second respondent to provide adequate police protection for his life and limb and also at the time of measure and



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fix the boundaries for the properties comprised in Patta No.543, R.S.No. 399 out of 5 acres 28 cents in the northern side as per the layout plan in 5th block (Thakku) in plots 2 in the northern side and in plot No.11 southern side the site measuring east west 41 feet and north south 14 feet 3 inches and also proportionate site left for common road measuring at 142-1/2 sq.ft in toto 726-3/4 sq.ft with rights for using other roads in the layout in Avaniapuram Village, Madurai South Taluk, Madurai District as per order in W.P.No.12883 of 2023, dated 14.06.2023.

For Petitioner : Mr.T.R.Subramanian

For Respondents : Mrs.M.Aasha
Government Advocate (Crl. side)
for R1, R2, R4 & R5

Mr.S.Thangaraj for R3

ORDER

The Criminal Original Petition is filed for a direction to grant police protection to survey the land and fix the boundaries in respect of the properties comprised in Pata No.543, R.S.No.399 etc.

2.It is the contention of the learned counsel for the petitioner that already he had approached this Court in W.P.(MD)No.12883 of 2023 and by an order dated 14.06.2023, this Court had directed that the survey to be conducted within a period of four weeks from the date of receipt of a copy



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of the order after following the due procedure. Even thereafter, the private respondent herein is objecting to the survey and therefore, the present petition. The learned counsel for the petitioner would submit that when this Court has given a categorical direction, the police has to give protection.

3.The learned counsel appearing on behalf of the third respondent would submit that the third respondent was not made a party in the earlier writ petition. He would submit that already there was a civil suit which was pending between the parties in O.S.No.151 of 2009. In the said suit, a Commissioner was appointed to conduct the survey in respect of the self same property in I.A.No.28 of 2021 and in which the Commissioner has filed a report stating how the boundaries as claimed by the petitioner herein could not be earmarked and survey could not be conducted. Thereafter, the said suit was ultimately withdrawn. In view thereof, when there is a dispute between the rights of the parties, the petitioner cannot indirectly achieve something what he could not achieve the same before the civil court.

4.Be that as it may, the petition for police protection is filed on the strength of the earlier order passed by this Court. When the earlier writ



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petition is filed, the third respondent is not made as a party. However, the Court has directed the surveyor to conduct the survey within a period of four weeks. Nothing is placed on record from the surveyor that only for want of police protection, he is unable to survey the land. When the Court has given the direction that when the same is not implemented, it is open for the petitioner to approach the self same Court by way of appropriate contempt petition for enforcement of the directions. As far as the argument of the third respondent is concerned, it will also be open for him to approach the self same Court with the particulars of the civil suit, to contend that the survey should not be conducted.

5. With the above observations, the petition stands closed.

15.10.2024

NCC : Yes / No
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To

1.1. The Commissioner of Police,
Madurai City,
Alagar Kovil Road,
Madurai.



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- 2.The Inspector of Police,
Avaniapuram Police Station,
Madurai.
- 3.The Tahsildar,
Madurai South Taluk,
Collector Office, Madurai.
- 4.The Surveyor,
Madurai South,
Collector Office, Madurai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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D.BHARATHA CHAKRAVARTHY, J.

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