



Crl.O.P.(MD) No.20715 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.02.2024

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THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.20715 of 2023

Ramjan Beevi

...Petitioner

VS

**1.The Superintendent of Police,
O/o. Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.**

**2.The Inspector of Police,
Tiruppullani Police Station,
Ramanathapuram District.**

**3.Jalal Jamal Jummah Mosque
represented by its President,
Haji Mohammed Meersa**

4.Abbas Khan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the Respondents 1 and 2 to consider the Petitioner's representation dated 26.10.2023 for providing adequate police protection to the Petitioner's life and limb for fencing the boundaries of the Petitioner's land with an extent of 15 ares (37.5 cents) situated in S.No.72/1A2A,

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Periyapattinam Village, Keelalarai Taluk, Ramanathapuram District within a stipulated time that may be fixed by this Court, pursuant to the order passed in W.P.(MD) No.18351 of 2022 on the file of this Court dated 28.09.2022.

For Petitioner : Mr.R.Karunanidhi

For R1 & R2 : Mr.M.Veeranthiran
Government Advocate (Crl.side)

For R3 : Mr.A.Mohan

For R4 : No appearance

ORDER

The learned Counsel for the Petitioner submitted that the Petitioner had filed this Petition seeking Police protection only to fence the property of the Petitioner in the light of the order of this Court in a Writ Petition filed by a Mosque, namely, Jalal Jamal Jummah Mosque through its President Haji Mohammed Meerasa in W.P.(MD)No.18351 of 2022.

2.Before the Writ Court, the learned Government Advocate (Crl.side) submitted that three acres of land had been gifted in S.No.72/1A2A for Public Health Centre. That land was measured and a compound wall was



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raised. Regarding the rest of the land, the Petitioner Mosque has to take steps to remove the encroachment by approaching the competent Civil Court.

3.During the arguments before the Writ Court, it was the submission of the learned Counsel appearing of the Mosque that there is no encroachment on the land gifted to the Government for construction of hospital and the encroachment is only on the land of the Mosque. Therefore, the Mosque sought direction to measure the property to resolve the dispute.

4.The Writ Court had directed the second Respondent in the Writ Petition, the Tahsildar, Keelakkarai Taluk, Ramanathapuram District, to measure the land and resolve the issue. If it is found that there are encroachments in the Mosque land, it is for the Mosque to evict the individual by following due process of law. In the same Writ Petition, the Superintendent of Police, Ramanathapuram, was directed to give suitable Police protection for measuring the land and to complete the entire exercise within three months from the date of receipt of a copy of that order.



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5.Subsequently, the Tahsildar, by proceedings in Na.Ka.No.A4/7111/2022, dated 30.01.2023, stated that the Mosque is enjoying the property in S.No.72 measuring 2 acres 58 cents. Out of which, 2 acres 10 cents are in their enjoyment by putting up a compound wall. Similarly, hospital is also enjoying the property in S.No.72 by putting up a compound wall. In the same report, it is stated that hospital and Mosque are enjoying each other property. It is in the concluding para of the report, it is clearly stated that there is no encroachment in the land belonging to the Mosque or to the hospital. Under those conditions, the Petitioner seeks to put up a compound wall in their property with the help of Police.

6.As per the report of the Tahsildar, the property had been measured. There is no encroachment on the part of the Jalal Jamal Jummah Mosque. It is made clear in the report that the Mosque authorities are using the land belonging to the hospital. The hospital authorities are using the land belonging to the Mosque. They are both using each other land. Even though the Mosque is granted 2 acres 58 cents, the Mosque had put up a compound wall for only 2 acres 10 cents. That shows the remaining portions



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are left out for each other enjoyment. When there is no encroachment, as per the survey report, the contention of the learned Counsel for the third Respondent will not be of any use. Still, the Court grants a short adjournment, whether the fourth respondent engages a Counsel, since the area where the property is situated had been completely measured with the help of surveyor, as per the order in the Writ Petition filed by the Mosque.

7. Even though notice was served on the fourth Respondent and the name of the fourth Respondent is printed in the cause list, he had not engaged any Counsel or he had not appeared in person before this Court also.

8. In the light of the submissions made by the learned Counsel for the Petitioner and the learned Counsel for the third Respondent that at two instances the Revenue Officials and the survey Officials had measured the property belonging to the third Respondent, Jalal Jamal Jummah Mosque. The boundaries of the Mosque had already been specifically identified. In the light of the survey report only, the Petitioner seeks to fence her property. There cannot be any objection by the Respondent 3 and 4. Therefore, the



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Respondents 1 and 2 are directed to provide police protection to the Petitioner to fence the property. The Petitioner is directed to pay the necessary charges to the Police personnel deployed for police protection, as per the circular of the Director General of Police, Head of State Police Force, Chennai-4, issued in Rc.No.193784/PAC-2/2017, dated 19.03.2019.

9. With the above directions, this Criminal Original Petition is disposed of.

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To

1. The Superintendent of Police,
O/o. Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
2. The Inspector of Police,
Tiruppullani Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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