



Crl.O.P(MD).No.2052 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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Dated: 04.02.2025

CORAM:

THE HON'BLE MR.JUSTICE P. DHANABAL

Crl.O.P(MD).No.2052 of 2025

Jeya

.. Petitioner

Vs.

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

2.The Inspector of Police,
V.K.Pudur Police Station,
Tenkasi District.

3.Rajammal
4.Krishnammal

.. Respondents

Prayer : Petition is filed under Section 528 of BNSS to direct the second respondent to provide adequate police protection for the petitioner's life and limb at the time of taking peaceful possession and fencing over the petitioner's land and for the peaceful enjoyment of the same on the basis of the petitioner's representation dated 23.01.2025.

For Petitioner : Ms.R.Dhanalakshmi

For R1 & R2 : Mr.R.M.Anbunithi
Additional Public Prosecutor



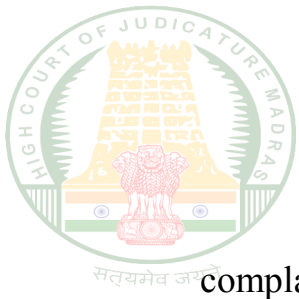
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ORDER

This petition has been filed by the petitioner to direct the second respondent to provide adequate police protection for the petitioner's life and limb at the time of taking peaceful possession and fencing over the petitioner's land and for the peaceful enjoyment of the same on the basis of the petitioner's representation dated 23.01.2025.

2. According to the petitioner, he got ancestral properties in S.No. 235/1A2, 235/1B and 235/2A to an extent of 12 acres situated at Muthammal Kannadikulam Vilage, Tenkasi District. While so, the third and fourth respondents are continuously causing troubles and thereby, the petitioner filed W.P(MD).No.15664 of 2024 seeking to survey the property and thereafter, based on the order of this Court, survey was conducted on the subject property and demarcated the boundaries by laying survey stones. Now, the third and fourth respondents fabricated the document and trespassed into the petitioner's property and occupied the petitioner's land and planted the crops over the occupied petitioner's land and also making troubles to the petitioner. Therefore, the petitioner lodged a



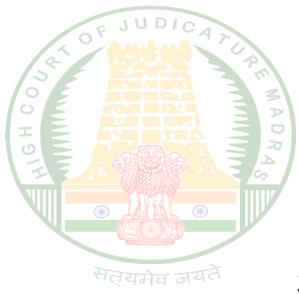
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complaint before the respondent police and sent a detailed representation on 23.01.2025 to the first and second respondents to provide adequate police protection, but the same has not been considered by the official respondents. Hence, the present petition.

3. The learned Additional Public Prosecutor, who takes notice for the respondents 1 and 2, would submit that there is a property dispute between the family members and the representation of the petitioner dated 23.01.2025 has been considered by the respondent police and the same was closed. Therefore, nothing survives for further adjudication in this petition. He further submitted that since there is a civil dispute pending between the parties, police protection cannot be given. Therefore, this petition is liable to be dismissed.

4. Considering the submission made by the learned Additional Public Prosecutor and the limited scope of prayer sought for in this petition, this Court, without issuing notice to the respondents 3 and 4, is inclined to pass order.



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5. It is an admitted fact that there is a property dispute pending between the parties. Even according to the petitioner, the third and fourth respondents are claiming right over the property based on the fabricated document. There is a dispute over the title of the property and the parties can approach the civil Court to establish their right over the property. Until the right of the parties declared by the civil Court, it is not appropriate to grant police protection to either parties. Further, the representation of the petitioner has already been considered and closed by the official respondents and hence, this petition is liable to be dismissed at the admission stage itself. Accordingly, this Criminal Original Petition is dismissed.

04.02.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
Rmk



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To:

- 1.The Superintendent of Police,
Tenkasi District, Tenkasi.
- 2.The Inspector of Police,
V.K.Pudur Police Station,
Tenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P. DHANABAL,J.

Rmk

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