



CrI.O.P(MD)No.3703 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 27.02.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

CrI.O.P(MD)No.3703 of 2025

Kumar

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep by the Superintendent of Police,
Karur District,
Karur.

2. The Deputy Superintendent Of Police,
Karur District,
Karur.

3. The Inspector of Police,
Thoogaimalai Police Station,
Karur.

4. Periyasamy

... Respondents

PRAYER: Criminal Original Petitions have been filed under Section 528 of BNSS to direct the 1st to 3rd respondents not to interfere into civil disputes and petitioner's peaceful possession without due process of law since the civil suits in O.S No. 26/2018 and O.S No. 33 of 2022 on the file of the Principal District Judge, Karur.



WEB COPY



CrI.O.P(MD)No.3703 of 2025

For Petitioner : Mr.A.Joseph Jerry
For R1 to R3 : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct to the 1st to 3rd respondents not to interfere into civil disputes and petitioner's peaceful possession without due process of law based on the civil suits in O.S No. 26/2018 and O.S No. 33 of 2022 on the file of the Principal District Judge, Karur.

2.According to the petitioner, he is the owner of the property in S.Nos. 421/1, 421/2, 434/2 to an extent of 22.5 acres 56 cents, thereby he filed a suit for partition in OS No. 33 of 2022 on the file of Principal District Judge, Karur and for the same relief, one Balamani and Kalaiyarasan had also filed a suit in O.S.No.26 of 2018. Both the suits were decreed in favor of the petitioner and as per the decree the petitioner is one of the co-sharer. The fourth respondent has no share in the property, since the co-sharer, from whom he purchased the property has no share as per the decree. However, the fourth respondent now attempted to fence his property. The police officials also gave police protection to fence the



CrI.O.P(MD)No.3703 of 2025

WEB COPY

land. The 4th respondent has already filed a petition before this Court in WP(MD) No. 17206 of 2024 to survey the property and the same was allowed by this Court with some conditions, in which, one of the condition is that if the petitioner therein wants to put up fencing, it can be put after the petitioner therein obtains decree from the jurisdictional civil Court. Now as per the decree passed in OS No. 26 of 2018 and O.S.No.33 of 2022 on the file of Principal District Judge, Karur, the vendor of the fourth respondent have no share in the property. Therefore, without fulfilling the condition of the order of the Court, the respondents 1 to 3 are giving police protection to the fourth respondent to fence the property. Hence, this petition.

3.The learned Additional Public Prosecutor appearing for the respondents 1 to 3 would submit that already the fourth respondent has filed a petition before this Court in WP(MD) No. 17206 of 2024 to survey the land and the same was allowed. Therefore, the respondent police has given police protection only to survey the land. However, they have not given police protection to fence the property as alleged by the petitioner. If the fourth respondent gets any order from the Court to fence the property, they will consider the same.



CrI.O.P(MD)No.3703 of 2025

4.Heard the learned counsel on either side and perused the materials available on record.

5.Considering the limited prayer sought for by the petitioner, this Court, even without issuing notice to the fourth respondent, is inclined to dispose of the petition, at the admission stage itself.

6.According to the petitioner, as per partition suit in O.S.No.26 of 2018 and O.S.No.33 of 2022 on the file of Principal District Court, Karur, the petitioner is entitled for share over the property and the vendor of the 4th respondent has no share over the property. But the 4th respondent without having right over the property now attempted to erect fence over the property with police force. According to the official respondent, they have not granted police protection to the 4th respondent for fencing the land. Per contra, the 4th respondent already got an order from the Court to survey the land and they gave police protection for surveying the land.

7.This Court also perused the records, already this Court in WP(MD) No.17206 of 2024 ordered for fencing the land and the 4th



CrI.O.P(MD)No.3703 of 2025

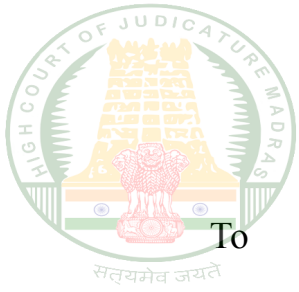
WEB COPY

respondent has to obtain civil decree in his favour. But no any decree was passed in favour of the 4th respondent. Therefore, the prayer of the petitioner that the police had given police protection to fence the property has not been established. However, this Court is inclined to dispose the petition by recording submissions of the learned Government Advocate (CrI.Side) that they have not got given police protection to fence the land and if any order passed by the Court for police protection, then they will act in accordance with law.

8.Accordingly, this Criminal Original Petition stands disposed of.

27.02.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
PNM



CrI.O.P(MD)No.3703 of 2025

To

WEB COPY

1. The Superintendent of Police,
Karur District,
Karur.
2. The Deputy Superintendent Of Police,
Karur District,
Karur.
3. The Inspector of Police,
Thoogaimalai Police Station,
Karur.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrI.O.P(MD)No.3703 of 2025

P. DHANABAL, J.

PNM

CrI.O.P(MD)No.3703 of 2025

27.02.2025