



CRL.OP(MD) No.6903 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 17.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

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Yogeshwaran

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by the Superintendent of Police,
O/o.Superintendent of Police,
Surveyor Colony, Moondrumavadi,
Madurai- 625 007.

2. The Deputy Superintendent of Police,
O/o.Deputy Superintendent of Police,
Alanganallur,
Madurai District.

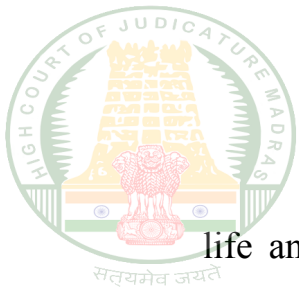
3. The Inspector of Police,
Alanganallur Police Station,
Alanganallur,
Madurai District.

4. Jayapandian

5. M.Raja

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to direct the respondents 1 to 3 to provide an adequate police protection to petitioner



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life and limb and property to put up a compound wall in R.S.No.37/6, measuring to an extent of 8 ½ Cents exactly 3706 Sq.ft situated at Melapanagadi Village, Alanganallur Taluk, Madurai District, by virtue of order of the decree and Judgment in O.S.No.60 of 2012 on the file of the District Munsif Court, Madurai Taluk dated 12.04.2016 and A.S.No.48 of 2016 on the file the Principal Sub Court, Madurai dated 11.01.2019 and the Judgement in S.A(MD) No.493 of 2021 by considering the representation sent by the petitioner dated 25.01.2025.

For Petitioner : Mr. Niranjan S. Kumar

For R1 to R3 : Mr.M.Sakthi Kumar

Government Advocate (Crl. Side)

ORDER

This petition has been filed by the petitioner to direct the respondents 1 to 3 to provide an adequate police protection to the petitioner's life and limb and property to put up a compound wall in R.S.No.37/6, measuring to an extent of 8 ½ cents, exactly 3706 Sq.ft situated at Melapanagadi Village, Alanganallur Taluk, Madurai District, based on the order of the decree and Judgment in O.S.No.60 of 2012 dated 12.04.2016 on the file of the District Munsif Court, Madurai and confirmed in S.A(MD) No.493 of 2021 by considering the representation sent by the petitioner dated 25.01.2025.



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WEB COPY 2. The learned counsel appearing for the petitioner would submit that the petitioner is the owner of the property in R.S.No.37/6, measuring to an extent of 8 ½ cents, exactly 3706 Sq.ft situated at Melapanagadi Village, Alanganallur Taluk, Madurai District and the petitioner's vendor got civil decree in his favour through a decree and judgment in O.S.No.60 of 2012 on the file of the District Munsif Court, Madurai and the said decree and judgment was challenged before this Court in S.A.(MD) No. 493 of 2021 and the same was also ended in favour of the vendor of the petitioner. While so, the private respondents no.4 and 5 frequently interfering with the petitioner's possession by disturbing the construction of compound wall. Therefore, the petitioner sent a representation dated 25.01.2025 to the 3rd respondent, but no action was taken. Therefore, he has filed this petition.

3. The learned Government Advocate (Criminal Side) appearing for the respondents no.1 to 3 would submit that the petitioner sent a representation through postal and the same is under consideration and they will conduct enquiry and take appropriate action in accordance with law.



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WEB COPY 4. Considering the prayer sought for in this petition, this Court even without issuing notice to the respondents no. 4 and 5 inclined to pass orders in this petition.

5. According to the petitioner, he is the owner of the property in R.S.No.37/6, measuring to an extent of 8 ½ Cents exactly 3706 Sq.ft situated at Melapanagadi Village, Alanganallur Taluk and his predecessor filed a suit in O.S.No.60 of 2012 on the file of the District Munsif Court, Madurai and the same was decreed in his favour by an order dated 12.04.2016 and thereafter, the matter went up to the High Court and the same was also dismissed in S.A.(MD)No.493 of 2021 by confirming the judgment and decree of the Trial Court. Therefore, the said judgement attained finality. In spite of that, the respondents no.4 and 5 causing disturbance from constructing the compound wall in the property. To that effect, he has also sent a representation before the 3rd respondent police on 25.01.2025 and the 3rd respondent has also admitted the receipt of the complaint. However, it is pending for enquiry, therefore, this Court directs the 3rd respondent to conduct enquiry and take appropriate decision in accordance with law in the light of the judgment of this Court in



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accordance with law, after affording an opportunity to both the parties
within a period of one month from the date of this order.

6. With the above said observation and direction, this Criminal
Original Petition is disposed of.

17.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Superintendent of Police,
O/o.Superintendent of Police,
Surveyor Colony, Moondrumavadi,
Madurai- 625 007.

2.The Deputy Superintendent of Police,
O/o.Deputy Superintendent of Police,
Alanganallur,
Madurai District.

3. The Inspector of Police,
Alanganallur Police Station,
Alanganallur,
Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P.DHANABAL, J.

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