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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.01.2025

CORAM:

THE HON'BLE MR.JUSTICE M. NIRMAL KUMAR

CrI.O.P(MD).No.103 of 2025

Madasamy

... Petitioner

Vs

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

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

3. Sindhamadhar

4. Ismail

... Respondents

Prayer: Criminal Original Petition filed under section 528 of BNSS to direct the 2nd respondent to provide adequate police protection for the petitioners life and limb on the basis of the petitioner's representation, dated 28.11.2024.

For Petitioner : Mr. M.Sankar

For Respondents : Mr.A.Thiruvadi Kumar (R1,R2)
Additional Public Prosecutor



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ORDER

This Criminal Original petition has been filed to direct the 2nd respondent to provide adequate police protection for the petitioner's life and limb on the basis of the petitioner's representation, dated 28.11.2024.

2.It is the contention of the petitioner that the petitioner along with his siblings enjoying the property in S.No.172/2A1, V.K.Pudur Taluk, Veeranam Village to an extent of 43 cents. The respondents 3 and 4, who wanted to take away the property, taking advantage of the petitioner's social status restrained the petitioner from entering into the said property. Hence, the petitioner has filed a petition in W.P(MD) No. 15664 of 2024 and this Court, vide order, dated 15.07.2024 directed the Tahsildar and Deputy Surveyor to survey the property and demarcation of boundaries. The same was completed on 20.09.2024. Thereafter, the petitioner is not allowed to enter into the property by the respondents 3 and 4. In this regard, the petitioner has filed a complaint before the respondent Police seeking police protection. However, the same is not acted upon. Hence, this petition came to be filed.



3.The learned Additional Public Prosecutor appearing for the respondents 1 and 2 submitted that based on the order passed by this Court in W.P(MD) No.15664 of 2024, dated 15.07.2024, survey and demarcation of boundaries was done. In the order it is observed further that if the petitioner wants to put up fencing and if there is any objection from any private party, fencing can be put up only after the petitioner obtains decree from the jurisdictional Civil Court. Hence, the petitioner has to obtain decree from the civil Court to fence the property.

4.Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondents 1 and 2 and perused the materials available on record.

5.Considering the submissions raised on either side, it is seen that the petitioner has approached the respondent police not only for putting up fencing, but also for his safety. In that case, it is the duty of the respondent police to protect the fundamental rights of the petitioner. Since the respondents 3 and 4 are restraining the petitioner from entering into the subject property, the second respondent police is directed to give caution to the respondents 3 and 4 not to interfere with the peaceful



possession of the petitioner. The second respondent police shall also ensure the fundamental right of the petitioner shall not be infringed.

6. With the above directions, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

07.01.2025

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
PNM

- To
1. The State of Tamil Nadu,
Rep by 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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M. NIRMAL KUMAR, J.

PNM

ORDER IN
Crl.O.P(MD) No. 103 of 2025

07.01.2025