



Crl.OP(MD)No.2377 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.2377 of 2026

A.Nagalakshmi

...Petitioner

Vs.

1.The State rep., by
The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

2.The Revenue Tahsildar,
Kariapatty, Virudhunagar District.

3.The Sub Inspector of Police,
Mallankinaru Police Station,
Virudhunagar District.

4.Periyapandi

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to pass an order to the first and third respondents to give adequate police protection to the petitioner, her husband Alagarsamy, Renuka, Maheswari, and Ramesh (patta holders of said land) their life and limb



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and to lay fence for S.No.34/10 in Manthoppu Village, Virudhunagar District, from the fourth respondent.

For Petitioner : Mr.R.Ramasamy
For R1 to R3 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

ORDER

This criminal original petition is filed to direct the first and third respondents to give adequate police protection to the petitioner, her husband Alagarsamy, Renuka, Maheswari, and Ramesh (patta holders of said land) their life and limb and to lay fence for S.No.34/10 in Manthoppu Village, Virudhunagar District, from the fourth respondent.

2.Since no adverse order is going to be passed against the fourth respondent, notice to him is dispensed with.

3.The learned counsel for the petitioner submitted that the fourth respondent is hindering and disturbing the petitioner's peaceful possession and enjoyment of the property comprised in S.No.34 /10 in



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Manthoppu Village, Virudhunagar District. The petitioner is the absolute owner in possession and title over the same for the past two generations. However, when the petitioner tried to put up fence around the said property, the fourth respondent had obstructed and prevented the petitioner from doing so. The petitioner had also properly paid fees through online challan on 16.08.2022 for measuring his property. Thereafter, the surveyor visited the aforesaid property, measured and commenced to measure the property, on which time, the fourth respondent along with his henchman prevented the petitioner from measuring the property. Thereafter, the petitioner was not able to measure the property.

4.Further, the petitioner approached the authority again on 15.07.2024 to survey his property, during the course of measurement, the fourth respondent had indulged in violence, that were preventing him from measuring the property. In this regard, a law and order problem erupted, following which, the second respondent /Tahsildar conducted an enquiry, after serving summons on 15.07.2024 for enquiry



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to be held on 01.10.2024. However, enquiry was conducted on 05.10.2024. The second respondent after fully perusing the documents, title deeds submitted by the petitioner, had come to a conclusion vide his proceedings dated 05.10.2024 that though the petitioner had produced all the necessary documents, the fourth respondent had failed to produce any documents to substantiate the title as claimed by him. Despite the said proceedings, which came in favour of the petitioner, the petitioner was not able to fence the property, because of the fourth respondent's hindrance. In this regard, the petitioner had given a representation to the first respondent on 21.04.2025 to afford police protection for him at the time of fencing his property. Even thereafter, the first and third respondent police are not affording necessary police protection and hence, this petition.

5.The learned Government Advocate (Criminal Side) drew the attention of this Court to the proceedings of the second respondent dated 05.10.2024 and categorically contended that, although the second respondent had observed that only the petitioner had submitted his



documents and that the fourth respondent had not produced any document, the operative portion of the proceedings makes it clear that the ongoing dispute between the petitioner and the fourth respondent is required to be resolved only by approaching the appropriate civil court. Having failed to do so, the petitioner, by merely sending a representation to the first respondent, is not justified in seeking police protection to resolve what is essentially a civil dispute before the second respondent.

6.Heard the submissions on either side and carefully perused the materials available on record.

7.A careful perusal of the proceedings of the second respondent dated 05.10.2024 would make it clear that the fourth respondent failed to produce any necessary documents to substantiate his claim, on the basis of which, he is continuously obstructing the petitioner from putting up fence in his property comprised in S.No.34/10 in Manthoppu Village, Virudhunagar District, consisting an area of 9 ares. It is seen



that the petitioner is an octogenarian senior citizen, aged about 82.

While disposing of the said proceedings dated 05.10.2024, the second respondent/ Tahsildar has unnecessarily given a direction that the petitioner and the fourth respondent should resolve their disputes before the Civil Court. When the fourth respondent does not possess any substantial documents to establish his title, directing the petitioner, who is a senior citizen, to approach the appropriate Civil Court for resolving the alleged boundary dispute would undoubtedly subject him to undue hardship and compel him to undergo prolonged and avoidable civil litigation for years together.

8.Considering the fact that the second respondent/Tahsildar, after duly perusing the available title documents, has already arrived at a conclusion that it is only the petitioner who is in possession of valid title deeds in respect of the subject property, and that the fourth respondent, being bereft of any documents, is unnecessarily obstructing the petitioner from putting up a fence, this Court is of the considered view that the octogenarian petitioner is entitled to be afforded



appropriate police protection. In this regard, the second respondent police is directed to put the fourth respondent on notice and fix a date and thereafter, afford police protection to the petitioner for putting up fence. It is made clear that the third respondent police should make it sure that the fourth respondent or any of his henchman or relatives should not create any kind of obstruction while the process of fencing is undertaken by the petitioner. It is also pointed out that it is for the fourth respondent to approach a competent civil court, if he has any disagreement in this regard.

9.The third respondent police is also directed to satisfy themselves and ascertain whether the fourth respondent is able to produce any title documents in respect of the subject property. If the fourth respondent is able to produce any document conferring even an iota of title over the said property, the third respondent Police shall be at liberty to act in accordance with the decision of the Tahsildar. In the absence of any such title documents, the third respondent Police shall afford necessary police protection to the petitioner.



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10. With the above direction, this Criminal Original Petition is allowed.

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NCC : Yes / No

Index : Yes / No

Rmk

To

1. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
2. The Revenue Tahsildar,
Kariapatty, Virudhunagar District.
3. The Sub Inspector of Police,
Mallankinaru Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Rmk

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