



CrI.OP(MD)No.2337 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrI.O.P.(MD).No.2337 of 2026

R.Rajammal

...Petitioner

Vs.

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

2.The Inspector of Police,
South Police Station,
Rajapalayam Taluk,
Virudhunagar District.

3.The Sub-Inspector of Police,
South Police Station,
Rajapalayam Taluk,
Virudhunagar District.

4.C.Rajesh
5.Jayachandran
6.Veeramalai
7.Govandaraj

... Respondents



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Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the respondents 1 to 3 to provide adequate police protection for erecting fencing in S.No.91/3A1 & 91/3A3 situated at Samusigapuram Village, Rajapalayam Taluk, Virudhunagar District by considering the petitioner's representation dated 13.01.2026.

For Petitioner : Mr.P.P.Alwin Balan

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

ORDER

Seeking to afford police protection to repair the fencing damaged by the fourth and fifth respondents at the instance of sixth and seventh respondents, this criminal original petition is filed.

2.Considering the nature of the order to be passed, notice to the respondents 4 to 7 is dispensed with.

3.The learned counsel for the petitioner submitted that the natham land comprised in S.Nos.91/3A1 and 91/3A3 situated at Samusikapuram Village, Rajapalayam Taluk, Virudhunagar District, is



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the property belonging to the petitioner. In connection with the dispute relating to the pathway in S.No.92 of Samsikapuram Village, Rajapalayam Taluk, Virudhungan District, already a writ petition in W.P.(MD).No.17767 of 2024 was filed by one Muthuramalingam, pursuant to that, on 27.06.2025, a Peace Committee Meeting was convened by the Tahsildar in the presence of revenue officials and with the assistance of police officials, following which, the Thasildar passed an order dated 27.06.2025 without making any reference to such an S.No.91. At the same time, the petitioner's land comprised in S.Nos. 91/3A1 and 91/3A3 were surveyed and survey stones were laid in the presence of the petitioner's uncle, namely, Lakshmanan and the aforesaid officials, pursuant to which, he erected a fence. Thereafter, the respondents 6 and 7 and one Selvam unlawfully removed the said fencing falsely claiming ownership over the 2 cents of land within the petitioner's property, without producing any legal document for the said claim.



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4.Finally, the petitioner commenced installation of wire fencing and formation of embankments. At that time, the respondents 6 and 7 and Selvam with the support of the fifth respondent, acting on the instructions of the fourth respondent, arrived at the spot and unlawfully demolished the embankment without any authority. In this regard, the petitioner lodged a compliant before the concerned police station, however, the same was refused to received. Thereafter, the petitioner sent a representation on 13.01.2026 to the respondents 1 and 2 seeking adequate police protection for erecting fencing around her property. However, the said representation has not been considered so far. Hence, the petitioner has approached this Court.

5.The learned Government Advocate (Crl.side), on instructions, submitted that the Tahsildar is a necessary party to this case. The petitioner has not produced any order passed by the Tahsildar as claimed by her. Already, a complaint has been received as against her from the sixth respondent. In this regard, the petitioner was called for enquiry. However, the petitioner is not co-operating.



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

7.Considering the nature of the dispute, which is essentially a land dispute regarding the use of a pathway, unnecessarily claimed by the sixth and seventh respondents, the respondent–Police is directed to deal with the matter cautiously.

8.In respect of the complaint received from the sixth respondent, to allay the petitioner's apprehension and to ensure the fairness, the following directions are issued:

(a) With respect of the complaint received against the petitioner from the sixth respondent, the second respondent-police shall issue written summons/notice under Section 62 Cr.P.C./ 64 BNSS, 2023 to the petitioner, sixth and seventh respondents, specifying the date, time, and purpose of enquiry. Oral or informal summons are prohibited.



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(b) The enquiry, if undertaken, shall be completed within two weeks from the date of the petitioners' appearance.

(c) If the police, upon enquiry, conclude that a cognizable offence is made out and propose to register an FIR, the petitioner shall be given prior written notice, enabling her to seek legal remedies including anticipatory bail.

(d) If the dispute is found to be civil in nature, the complaint shall be closed forthwith, without any coercive or intimidatory action.

9.It is made clear that the petitioner will appear before the second respondent police, on receiving the summons, in the date and time specified in the summons with all necessary documents to substantiate her right and claim. Further, the second respondent Police is directed to give opportunity of hearing to both the petitioner as well as the respondents 6 and 7, peruse the documents submitted by either parties



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and deal with the matter as provided in the Code of Criminal Procedure and if the claim of the petitioner is found true, the second respondent police is directed to afford necessary police protection for re-fencing the subject property. The petitioner has to pay the necessary charges for availing police protection in terms of G.O.(Ma).No.139, Home (Pol-VIII) Department, dated 04.03.2019 and the second respondent police is directed to provide the required protection on the specified date upon receipt of such payment.

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

06.02.2026

NCC : Yes / No
Index : Yes / No
Rmk



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To

- 1.The Superintendent of Police,
Virudhunagar District, Virudhunagar.
- 2.The Inspector of Police,
South Police Station,
Rajapalayam Taluk,
Virudhunagar District.
- 3.The Sub-INspector of Police,
South Police Station,
Rajapalayam Taluk,
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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