

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.13278 of 2015

N.Murugesan

... Petitioner

Vs

1. The Superintendent of Police,
Salem District,
Salem.

2. The Inspector of Police,
Mallur Police Station,
Salem District.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to issue a direction directing the first and second respondents herein to provide adequate police protection to the petitioner and his family members and to the land in respect of the property comprised in Survey Nos.79/8, 79/1A, 79/4B, 72/1, 79/5D, 76/6A, 79/7 situate at Vengampatty Village, Salem Taluk and District pursuant to the representation dated 01.05.2015 made by the petitioner.

For Petitioner : Mr.C.Prabakaran

For respondents : Mr.C.Emalias
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

The present criminal original petition has been filed to direct the first and second respondents to provide adequate police protection to the petitioner and his family members and to the land in respect of the property comprised in Survey Nos.79/8, 79/1A, 79/4B, 72/1, 79/5D, 76/6A, 79/7 situate at Vengampatty Village, Salem Taluk and District pursuant to the representation dated 01.05.2015 made by the petitioner.

2.In the affidavit, it is stated that the abovesaid land was originally purchased by the petitioner on 14.12.2009 under valuable sale consideration from one Susilla, wife of Vartharajan and another one Jaivasumathi Vallirani, daughter of

Vartharajan under the registered sale deeds dated 14.12.2009 vide Document Nos.4346/2009, 4347/2009 and 4348/2009 on the file of Sub-Registrar Office, Veerapandi. The petitioner's wife made an attempt to cultivate the land, but one Rajeswari and her relative threatened and assault the petitioner and his wife. Due to which, the wife of the petitioner was admitted in the Salem Government Hospital on 14.02.2010. Hence, a complaint was lodged by the wife of the petitioner on 14.02.2010 and on the same day, FIR has been registered in Cr.No.58 of 2010 and the second respondent referred the matter to RDO. But, the said Rajeswari and her relatives did not co-operate with the RDO enquiry and repeatedly trespass into the property of the petitioner and threatened others. Hence, the petitioner filed a suit in O.S.No.132 of 2011 before the I Additional Subordinate Judge, Salem, seeking for relief of declaration and permanent injunction. The said suit was dismissed on 13.03.2014. Against the said judgment, the petitioner filed an appeal in A.S.No.38 of 2014 before the II Additional District Judge, Salem. The said appeal was allowed and reached finality. While so, the said Rajeswari and her relatives viz., Rajendran, Vijaya, Subramani, Rajalakshmi, Sadaiyan and Varadharaja were trying to disturb the possession and alter the physical features. Hence, the petitioner lodged a complaint before the respondent police on 01.05.2015. Since no action was taken, the present petition has been filed to give police protection to the petitioner and his family members.

3. When the matter is taken up for hearing, the learned counsel for the petitioner reiterated the averments made in the affidavit.

4. The learned Additional Public Prosecutor has submitted that RDO enquiry is pending and when the RDO enquiry is pending, the respondent police cannot give any protection.

5. However, the learned counsel for the petitioner denied the above submission.

6. Irrespective of the submissions made on either side, without going into the merits of the case, this Court directs the petitioner to give a fresh representation to the second respondent. On receipt of the same, the second respondent, is directed to afford personal hearings to the petitioner as well as necessary parties and pass appropriate orders with regard to providing police protection, on merits and in accordance with law within a period of three weeks from the date of receipt of a copy of this order.

7. With the above direction, the criminal original is disposed of.

vsi/cla

s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

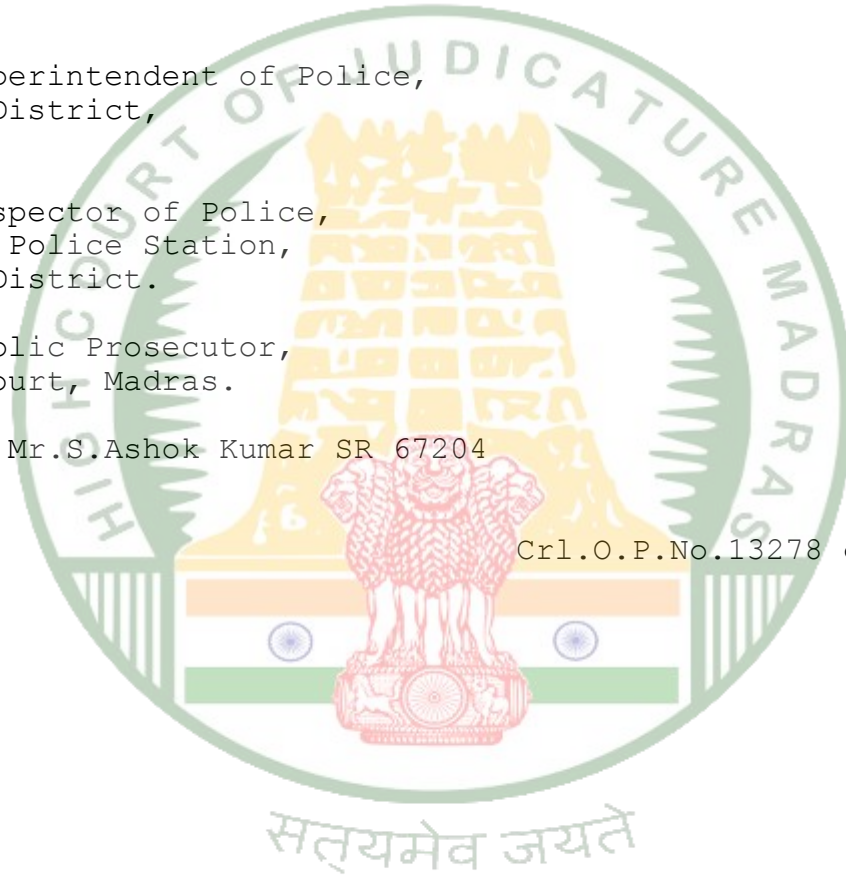
To

1. The Superintendent of Police,
Salem District,
Salem.
2. The Inspector of Police,
Mallur Police Station,
Salem District.
3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.S.Ashok Kumar SR 67204

tej(co)
prk5/1

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