

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2015

CORAM

THE HONOURABLE Mr. JUSTICE R.SUBBIAH

CrI.OP.No.13615 of 2015

1.T.M.Kannammal

2.N.Loganathan

... Petitioners

Vs

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

2. The Deputy Superintendent of Police,
Thiruthani.

3. The Inspector of Police,
R.K.Pettai Police Station,
R.K.Pettai.

4. Alamelu

5. Sarulatha

6. Lakshmi

7. Unnamalaiamal

8. Parvathiammal

.... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the third respondent Police to provide necessary police protection to the petitioner for the enforcement of appropriate Civil Court decree made in O.S.No.120 of 2002, District Munsif Court, Pallipattu in respect of property situated at Thiruvallur District, Pallipet Taluk, Ammayarkuppam Village, A/C Old Survey No.313/19 in New Survey No.298/19 - 0/14 ¼ cents out of 0.16 cents bounded on the South by previously Government Channel, presently Gramanatham site, Survey No.299 North by V.V.Srinivasan, Balakrishnan and Masilamani land, East by Kuppandi Nalliyammal Land, West by Kuppandi Nalliyammal Land and to clean the land to put up construction and compound wall in her property by considering the petitioners' complaint dated 02.05.2015.

For Petitioners : Mr.R.Varalakshmi

For Respondents 1 to 3 : Mr.C.Emalias,
Addl Public Prosecutor

For Respondents 4 to 8 : Mr. Deivanandam

O R D E R

The present Criminal Original Petition has been filed praying to direct the third respondent Police to provide police protection to the petitioner, for enforcement of Civil Court decree passed in O.S.No.120 of 2002 on the file of District Munsif Court, Pallipattu in respect of suit property,

2. Heard the learned counsel appearing for the petitioners as well as the learned Additional Public Prosecutor appearing for respondents 1 to 3 and the learned counsel for the respondents 4 to 8.

3. The first petitioner is the sole and absolute owner of the property situated at Thiruvallur District, Pallipet Taluk, Ammayarkuppam Village Account, Old Survey No.313/19 in New Survey No.298/19 - 0.14 $\frac{1}{4}$ cents out of 0.16 cents bounded on the South by previously Government Channel, presently Gramanatham site in Survey No.299. The said property originally belonged to one V.P.Srinivasan and the first petitioner had purchased the same through a registered sale deed dated 26.10.1998. The respondents 4 to 8 are the encroachers of the Kasam Channel, which is situated on the southern side of the petitioner's property and their encroachments were regularised by issuing pattas. It is seen that during the first week of October 2002, the respondents 4 to 8 had stored the white stones, that were brought by them for laying foundation of their houses, in the petitioner's property. With regard to the said dispute, the petitioner had filed a suit in O.S.No.120 of 2002 on the file of the District Munsif, Pallipattu and the said suit was decreed on 16.12.2005 in favour of the petitioner, declaring that the petitioner is having valid title over the suit property and the respondents are restrained from encroaching into the petitioner's property. Aggrieved by the said judgment, no appeal was filed by the respondents 4 to 8. Later, when the 1st petitioner herein intended to construct a compound wall in her scheduled property, the respondents 4 to 8 taking advantage of the old age of petitioner, threatened her with dire consequences. Thereafter, when the petitioner approached the third respondent/R.K.Pet Police Station seeking police protection, she was advised to get an order from the Court stating that the matter involved is civil in nature. Subsequently, when the petitioner has filed E.P.No.3 of 2008 in O.S.No.120 of 2002, praying for attachment of property for wilful disobedience of the injunction order and the decree passed in O.S.No.120 of 2002, the Inspector of Surveyor (Pallipattu Division), Collector Office, Thiruvallur was appointed to measure the property and fix the boundary stones in and around the scheduled property.

4. However, the Court has granted permission to lay the boundary stones and the petitioner was in the activity of cleaning the property to construct the compound wall, the respondents 4 to 8 had obstructed the petitioner and her workmen to proceed with construction, resulting which the petitioner has filed a complaint before the respondent Police on 05.10.2014 and CSR.No.260 of 2014 was assigned. The grievance of the petitioner is that inspite of the Civil Court decree, still the respondents 4 to 8 are interfering with the petitioner's property and creating problem. Hence the petitioner has come forward with the present petition.

5. The learned Additional Public Prosecutor vehemently opposed to entertain this petition stating that under the guise of police protection, the petitioner is trying to execute the Civil Court decree, which is not possible. The learned counsel for the petitioners denies the same and stated that since the respondents are trespassing into the petitioners property and creating havoc, they sought for police protection.

6. Irrespective of the submissions made on either side and without going into the merits of the case, this Court directs the petitioner to give a fresh representation along with a copy of this order to the third respondent within a period of one week from the date of receipt of a copy of this order. On receipt of the such representation, the third respondent is directed to consider the same purely on merits and in accordance with law, by providing personal hearing to the petitioner as well to other necessary parties and pass appropriate orders with regard to police protection within a period of two weeks from the date of receipt of a copy of this order.

The Criminal Original Petition is disposed of accordingly.

ds

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To

1. The Superintendent of Police,
Thiruvallur District,
Thiruvallur.
2. The Deputy Superintendent of Police,
Thiruthani.

3. The Inspector of Police,
R.K.Pettai Police Station,
R.K.Pettai.

4. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.M.Deivanandam, Advocate SR 67416

+ 2 ccs to Mrs.R.Varalakshmi, Advocate SR 67305 & 67419

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