

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.28699 of 2015

Nachimuthu Gounder

...Petitioner

Vs

1.State by,
The Superintendent of Police,
Tiruppur District.

2.State by
The Deputy Superintendent of Police,
Udumalpet,
Tiruppur District.

3.State by
The Inspector of Police,
Madathukulam Police Station,
Tiruppur District.

...Respondents

Criminal Original Petition filed under Section 482
Cr.P.C. to direct the third respondent police to give police
protection in accordance with the Civil Court order.

For Petitioner : Mr.C.Selvaraj

For respondents : Mr.C.Emalias

Additional Public Prosecutor

सत्यमेव जयते
O R D E R

The petition has been filed to direct the third
respondent police to give police protection in accordance with
the Civil Court order.

2. The petitioner herein owns agricultural land at
Sangaramanallur village, Kumaralingam. The adjacent land
owners, Mr.Chinnu @ Nachimuthu, Mr.Mahalingam, Mr.Chinnadurai,
Ms.Chinna Paapal, Ms.Palaniyammal and Ms.Chellammal are
disturbing the peaceful possession and enjoyment of the
agricultural land by trespassing into the petitioner's land and
damaging the cultivations. Hence, the petitioner filed a suit
in O.S.No.77 of 2013 with interim application in I.A.Nos.177
and 179 of 2013 before the District Munsif, Udumalpet, and

obtained an order of interim injunction on 21.02.2013 as against the said persons. In spite of the said order, on 09.09.2013, the above said persons trespassed into the agricultural land and removed the underground cable wire and damaged the cultivation. Hence, the petitioner filed an application in I.A.No.1653 of 2014 in O.S.No.77 of 2013 before the District Munsif, Udumalpet, to provide police protection and the same was ordered on 13.08.2105 with a direction to the third respondent to give police protection. But, the third respondent failed to provide police protection. When the petitioner approached the 3rd respondent with the certified copy of the said order, they failed to give protection. Hence, the petitioner gave a representation to the same Civil Court and the said Court has also sent intimation to the 3rd respondent. In spite of the same, the 3rd respondent failed to provide police protection. Hence, the petitioner has come forward with the present petition.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. Considering the facts and circumstances of the case, the petitioner is directed to give a fresh representation along with a copy of this order within a period of one week from the date of receipt of a copy of this order and the 3rd respondent is directed to pass appropriate orders with regard to providing of police protection within a period of two weeks thereafter, after affording an opportunity of personal hearing to the petitioner.

5. The criminal original petition is disposed of accordingly.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vsi/cla
To

1.The Superintendent of Police,
Tiruppur District.

2.The Deputy Superintendent of Police,
Udumalpet,
Tiruppur District.

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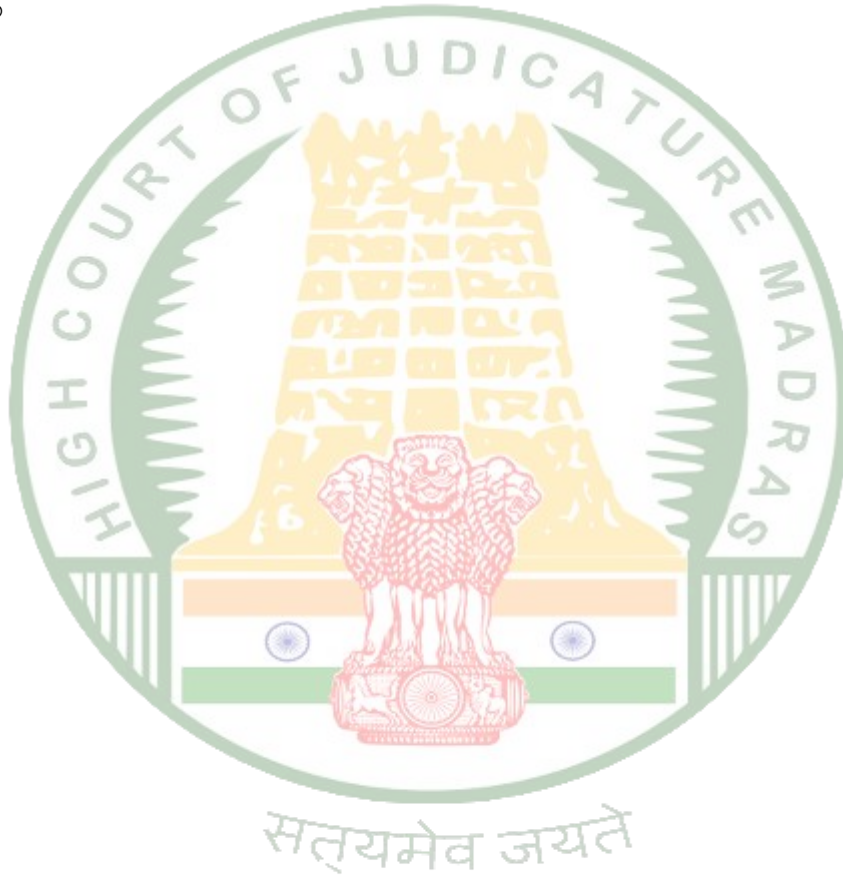
3. The Inspector of Police,
Madathukulam Police Station,
Tiruppur District.

4. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.C. Selvaraj, Advocate SR.67120

Cr1.O.P.No.28699 of 2015

VGI (CO)
Eu 11.1.16



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