

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 19.06.2015

Delivered on : 30.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P.Nos.3081 and 3089 of 2015

K.Selvi

... Petitioner in both Crl.OPs

Versus

1.The Deputy Superintendent of Police,
Vandavasi Taluk, Vandavasi,
Tiruvannamalai District.

2.The Inspector of Police,
Thellar Police Station, Thellar,
Vandavasi Taluk, Vandavasi,
Tiruvannamalai District.

3.The Sub-Registrar,
Department of Registrations,
Office of the Sub-Registrar,
Thellar, Vandavasi Taluk, Vandavasi,
Tiruvannamalai District.

4.The Assistant Engineer [O & M],
TNEB/TANGEDCO,
Thellar, Vandavasi Taluk, Vandavasi,
Tiruvannamalai District.

5.S.Kumari

6.The Thasildar,
Vandavasi Taluk, Vandavasi,
Tiruvannamalai District.

... Respondents in both Crl.OPs

Prayer in Crl.OP.No.3081 of 2015 : Criminal Original petition filed under Section 482 of the Criminal Procedure Code praying to direct the 1st and 2nd respondents to register the case on the basis of the petitioner's complaint dated 29.11.2014 against the respondents 3 and 5 and investigate in accordance with law.

Prayer in Crl.OP.No.3089 of 2015 : Criminal Original petition filed under Section 482 of the Criminal Procedure Code praying to direct the 1st and 2nd respondents to provide the Police Protection or Police Aid on the basis of the petitioner's complaint dated 29.11.2014 to the petitioner as against the respondent 5 in order to implement the implementation of Judgement and Decree dated 20.07.2010 on the

file of the Principal District Munsif cum Judicial Magistrate Court of Vandavasi.

For Petitioner : Mr.M.Devadoss
in both CrI.OPs

For Respondents : Mr.C.Emalias,
in both CrI.OPs Addl. Public Prosecutor [for R1 to R4,R6]
: Mr.D.Saikumaran [for R5]
in O.P.No.3089 of 2015

C O M M O N O R D E R

These petitions have been filed to direct the 1st and 2nd respondents to register the case on the petitioner's complaint dated 29.11.2014 against the respondents 3 and 5 and to investigate in accordance with law and to direct the 1st and 2nd respondents to provide the Police Protection to the petitioner in order to implement the Judgement and Decree dated 20.07.2010 on the file of the learned Principal District Munsif cum Judicial Magistrate Court, Vandavasi.

2. Heard the learned counsel for the petitioner; learned Additional Public Prosecutor appearing for the respondents 1 to 4, 6; learned counsel appearing for the 5th respondent and perused the materials placed on record.

3. It is the case of the petitioner that property measuring about 2 acres and 70 cents in Meesanallur Village, Survey No.66/2, Tiruvannamalai belongs to her and that, the 5th respondent is preventing her from enjoying the property. It is seen that the petitioner had filed O.S.No.128 of 2007 before the District Munsif, Vandavasi, against one Parasurama Gounder, Mallika, Lakshmi Ammal and has obtained decree in her favour on 20.07.2010 to the effect that, the property in question belongs to her and that, the defedant should not cause encumbrance to the said property. While so, Parasurama Gounder and Mallika who were the defendants in the said suit has sold the property to the 5th respondent herein, by deed of sale dated 01.06.2011, despite the aforesaid decree. Therefore, the petitioner lodged a police complaint dated 29.11.2014 and also sought for police protection against the 5th respondent.

4. The learned counsel for the 5th respondent submitted that the 5th respondent had purchased the property on 01.06.2011 and that, he has filed an impleading petition in OS.No.128 of 2007 and the same is pending. Therefore, when the matter is seized by the Civil Court, it may not be appropriate for this Court, to give a direction to the police to give police protection to this petitioner. Moreover, the 5th respondent has purchased the property wayback in the year 2011, whereas, the petitioner has started agitating her rights under the decree only from 2014 onwards.

Further, the petitioner is admittedly living in Chennai, but whereas the 5th respondent is living in Tiruvannamalai District, where the land is located.

5. Under such circumstances, the petition in Crl.OP.No.3089 of 2015 is dismissed. As regards the prayer in Crl.OP.No.3081 of 2015, the respondent police is directed to enquire into the complaint dated 29.11.2014 given by the petitioner and take action in accordance with law and disposed of accordingly.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To

1.The Deputy Superintendent of Police,
Vandavasi Taluk, Vandavasi,
Tiruvannamalai District.

2.The Inspector of Police,
Thellar Police Station, Thellar,
Vandavasi Taluk, Vandavasi,
Tiruvannamalai District.

3.The Sub-Registrar,
Department of Registrations,
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Tiruvannamalai District.

5.The Thasildar,
Vandavasi Taluk, Vandavasi,
Tiruvannamalai District.

6.The Public Prosecutor,
High Court, Madras.

2 ccs to Mr.M. Devadoss, Advocate, Sr. 32393, 32394
+1 cc to M/s.D.Saikumaran, Advocate, sr.32487 (26/10/2015)

CRL.O.P.Nos.3081 and 3089 of 2015

VD (CO)