

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 09.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Criminal Original Petition No.3532 of 2016

1.G.Dhanabagiam
2.G.Venkatachalam

... Petitioners

-Versus-

1. The Superintendent of Police,
O/o. The Superintendent of Police,
Tirupur District.
Tirupur.
2. The Inspector of Police,
Palladam Police Station,
Palladam,
Tirupur District.
3. Gnanasoundari
4. M/s.Kings Packing Industry,
Rep.by its Partner, P.Sivakumar

(Respondents 3 & 4 impleaded vide order
of this Court dated 07.04.2016 and
made in CrI.MP.3347 of 2016 in
CrI.OP.3532 of 2016)

... Respondents

Prayer: This petition is filed under Section 482 Cr.P.C.
praying to to direct the respondents to give police protection
to the property of the petitioner and his family members while
fencing the property measuring 2.86 Acres in Old S.F.No.267,
as per new sub division S.F.No.267/2 Kalran Thottam, Rajiv
Gandhi, Nagar Road, Vadugapalayam Pudur, Vadugapalayam Post.

For Petitioners

: Mr.S.Saravanan

For Respondents

: Mr.C.Emalias,
Additional Public Prosecutor
for R1 & R2
Mr.I.Abrar Md. Abdullah for R3
Mr.V.L.Nehru for R4

ORDER

This original petition has been filed seeking for a direction to the respondents to give police protection to the property of the petitioner and his family members while fencing the property measuring 2.86 Acres in Old S.F.No.267, as per new sub division S.F.No.267/2 Kalran Thottam, Rajiv Gandhi, Nagar Road, Vadugapalayam Pudur, Vadugapalayam Post.

2. It is seen that the property in question originally belonged to the respondents 3 and 4 and that they had mortgaged the same with the State Bank of Bikaner and Jaipur, Tirupur Branch and since they defaulted in making repayment, the bank initiated proceedings under the SARFAESI Act and it appears that the petitioners have purchased the property in question by auction. Now, the petitioners are before this court seeking for a direction to the respondent police protection to fence their property on the ground that the respondents 3 and 4 causing obstructions.

3. Mr.I.Abrar Md. Abdullah, the learned counsel appearing for the 3rd respondent submitted that as against the order passed under SARFAESI Act, the 3rd respondent has filed an appeal in S.A.No.94 of 2015 before Debts Recovery Tribunal, Coimbatore and the matter is still pending. It is also seen that the 3rd respondent has filed a writ petition in W.P.No.14567 of 2015 before this court challenging the proceedings under the SARFAESI Act.

4. In the light of the above fact that litigations are pending, this court cannot issue a direction as prayed for in the light of the law laid down by the Hon'ble Supreme Court in State of Punjab v. Devinder Pal Singh Bhuller and others, (2011) 14 SCC 770. However, liberty is given to the petitioners to implead themselves as respondents in S.A.No.94 of 2015 pending before the Debts Recovery Tribunal, Coimbatore, and work out their remedy in the manner known to law.

5. In the result, the criminal original petition is dismissed with the above observations. Consequently, connected MP is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

kmk

To

1.The Superintendent of Police,
Tirupur District.

2.The Inspector of Police,
Palladam Police Station,
Palladam, Tirupur District.

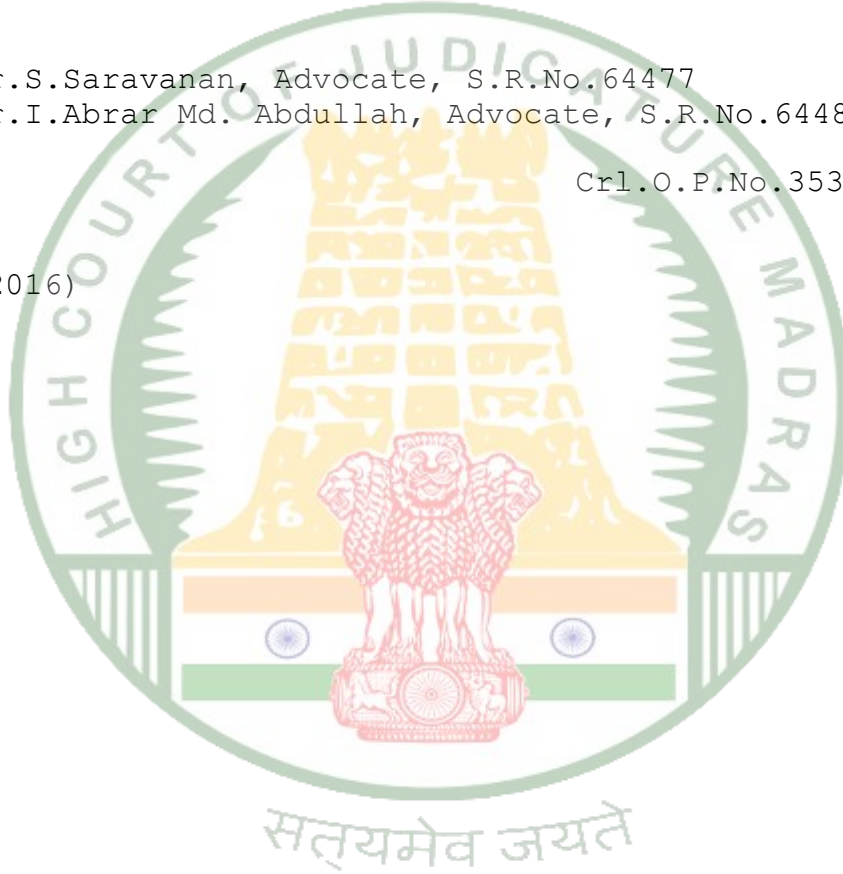
3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Saravanan, Advocate, S.R.No.64477

+1cc to Mr.I.Abrar Md. Abdullah, Advocate, S.R.No.64485

CrI.O.P.No.3532 of 2016

GJ(CO)
CA(02/12/2016)



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