

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 05.01.2016

CORAM

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN**Crl.O.P. (MD) No.23127 of 2015**

WEB COPY

S.Kathar Hussain

... Petitioner

-Vs-

1.The Superintendent of Police,
Madurai District.2.The Inspector of Police,
C-4, Silaiman Police Station,
Madurai.

3.K.Usmanali

4.K.Sonai

5.Sumathi

... Respondents

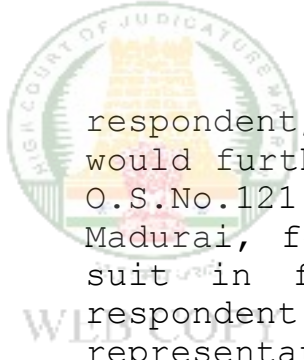
PRAYER: Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the 2nd respondent police to take necessary steps and provide adequate police protection to cut the Karuvella trees in his land on the basis of his representation dated 13.11.2015.

For Petitioner	: Mr.T.R.Subramanian
For Respondents	: Mr.S.Prabha
(R1 and R2)	Govt.Advocate (crl.side)
For Respondent-3	: Mr.Mohammed Yusuf
For Respondents	: No Appearance
(R4 and 5)	

ORDER

The petitioner has come forward with this petition seeking for a direction, directing the 2nd respondent police to take necessary steps to provide adequate police protection to cut the Karuvella trees in his land on the basis of his representation, dated 13.11.2015.

2. Counsel appearing for the petitioner would submit that the property in question belongs to the petitioner and that he wants to remove the Karuvella Trees, since it is very harmful to the Earth and it is water intensive. When the petitioner entered into the land, the accused persons have restrained the petitioner and therefore, the petitioner has given a representation to the 2nd



respondent, dated 13.11.2015 for seeking police protection. He would further submit that the petitioner had filed a civil Suit in O.S.No.121 of 2014, on the file of Court of District Munsif, Madurai, for permanent injunction and the trial Court decreed the suit in favour of the petitioner on 30.04.2015. Since the respondent police has not taken any decision on the said representation of the petitioner, the petitioner has come forward before this Court, for the relief stated supra.

3. The counsel appearing for the 3rd respondent submitted that the property in question belongs to him and he is in possession of the property. He would further submit that the petitioner has got an order of ex-parte and that the respondent has filed a petition to recall the ex-parte decree with a delay condonation petition. He also submitted that the 3rd respondent is ready and willing to remove the Karuvella trees at his own costs.

4. Admittedly the matter is pending before the Court of District Munsif, Madurai. Without going into the merits of the matter, the contesting respondent is directed to remove the Karuvella trees and this Court makes it very clear that this will not give any right of possession and which can be decided only by the appropriate civil court.

5. With the above observation the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(W)

/True copy/

Sub Assistant Registrar

Madurai Bench of Madras High Court,
Madurai.

MPK

To

1.The Superintendent of Police, Madurai District.

2.The Inspector of Police,
C-4, Silaiman Police Station, Madurai.

3.The District Munsif, Madurai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 cc to Mr.T.R.Subramanian,Advocate Sr No.815

Cr1.O.P.(MD)No.23127 of 2015
05.01.2016