



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2016

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

Crl.O.P. (MD) .No.13514 of 2016

K.Selvam

.. Petitioner

Vs.

1.The Superintendent of Police,
Kanyakumari District
Kanyakumari

2.The Inspector of Police,
Vadasery Police Station
Kanyakumari District

3.A.Paul Suyambu

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the Respondents 1 & 2 to give adequate Police protection to the life and limb of the petitioner and her family members in renovating their dwelling house at 27B2/1 Pallivilai Vettooranimadam Post Nagercoil Kanyakumari District.

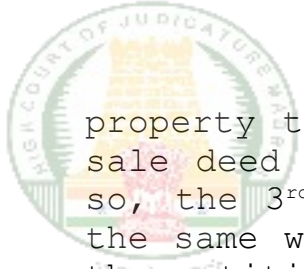
For Petitioner	: Mr.M.Suresh
For respondents	: Mr.A.P.Balasubramani
R1 & R2	Government Advocate (Criminal side)

ORDER

It is a petition seeking a direction to the Respondents 1 & 2 to give adequate Police protection to the life and limb of the petitioner and her family members in renovating their dwelling house at 27B2/1 Pallivilai Vettooranimadam Post, Nagercoil Kanyakumari District.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondents Nos.1 & 2

3. The learned counsel for the petitioner would submit that the petitioner is the tenant of one Panchupazham. The said Panchupazham had oral agreement with the petitioner's husband to sell the property, where the petitioner is residing and her husband had also paid advance amount to him. However, without executing any document, the owner of the property sold the said



property to the 3rd respondent and executed a sale deed. The said sale deed has been executed by fabricating false documents. While so, the 3rd respondent has filed a suit in O.S.No.102 of 2005 and the same was decreed. Therefore, the 3rd respondent is compelling the petitioner to vacate the premises, which made the petitioner to file a suit in O.S.No.388 of 2012 on the file of the 1st Additional District Munsif, Nagercoil, seeking injunction not to evict the petitioner from the suit property. The said suit was also decreed. Now, as the premises is in a dilapidated condition, the petitioner wants to renovate the same. However, it was prevented by the 3rd respondent. Therefore, the petitioner is before this Court with this petition with the aforesaid prayer.

4. At the outset, it is to be pointed out that as per the Lease and Rent Control Act, the petitioner is at liberty to seek permission of the Rent Controller to repair the premises, where the petitioner is residing. When there is a provision available under the special enactment to go before the appropriate forum, this petition filed under Section 482 Cr.P.C. is not maintainable and accordingly, this petition is dismissed.

Sd/
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar.

To

1.The Superintendent of Police,
Kanyakumari District
Kanyakumari

2.The Inspector of Police,
Vadasery Police Station
Kanyakumari District

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

+1CC to M/S.M.Suresh, Advocate, SR.No. 41328

Cr1.O.P (MD) No.13514 of 2016
02.08.2016

RR

AM/AAL.MPA/SAR-I/05.08.2016/2P/5C