



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.10.2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

Crl.OP(MD) No.18903 of 2016

WEB COPY

1.Ramiya, Puliadi, Thimma Eswari Kutti
vagayara Dharma Trust,
represented by its President,
R.K.Gurumoorthy.

2.Ramiya, Puliadi, Thimma Eswari Kutti
vagayara Dharma Trust,
represented by its Secretary,
K.R.Govindan.

..Petitioners

Vs

1.The Commissioner of Police,
Madurai.
2.The Inspector of Police,
K.Pudur Police Station,
Madurai District.

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to direct the first and second respondents to provide police
protection to the petitioners for laying the fencing around the
properties in possession and enjoyment of the petitioner in Tallakulam,
Madurai in Re-Survey No.192/2, 192/3, 193.

For Petitioners :Mr.K.K.Ramakrishnan

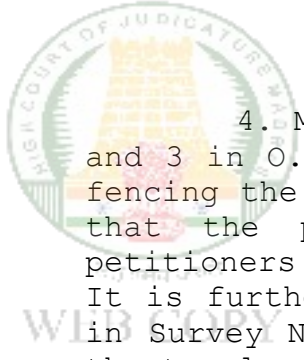
For Respondents :Mr.K.Anbarasan
Government Advocate(Crl.Side)
for R.1 and R.2
:Mr.M.Karunanidhi
Intervenor

O R D E R

This petition has been filed to direct the first and second respondents to provide police protection to the petitioners for laying the fencing around the properties in possession and enjoyment of the petitioner in Tallakulam, Madurai in Re-Survey No.192/2, 192/3, 193.

2. Heard both sides.

3. Mr.K.K.Ramakrishnan, learned Counsel for the petitioners would submit that the petitioners as plaintiffs filed a suit in O.S.No.282 of 2013, before the Subordinate Judge, Madurai and after contest, the suit was decreed on 20.04.2016. Since the defendants in that suit have not preferred any appeal, the judgment and decree has become final and based on that decree, the petitioners made a representation to the second respondent seeking police protection for fencing their property. Since it is not considered forthwith, they have come up before this Court.



4. Mr.M.Karunanidhi, learned Counsel representing the defendants 2 and 3 in O.S.No.282 of 2013 would submit that they have no objection for fencing the properties in S.Nos.192/2 and 192/3. It is further contended that the property in S.No.193 belongs to the Government and the petitioners are given only 2C patta for enjoying the trees in the land. It is further contended that a temple and a community hall are situated in Survey No.193 and the fencing is provided, the public cannot worship the temple.

5. Per contra, the learned Government Advocate (Crl.Side) would submit that the temple and the community hall are situated outside of the property enjoyed by the petitioners and the second respondent is ready to provide police protection as per the decree passed in O.S.No.282 of 2013.

6. Considering the submissions made by the learned Government Advocate (Crl.Side), the second respondent is directed to provide police protection for fencing the property situated in Re-Survey No.192/2, 192/3, 193.

7. With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1.The Commissioner of Police,
Madurai.

2.The Inspector of Police,
K.Pudur Police Station,
Madurai District.

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

+1cc to Mr.K.K.Ramakrishnan Advocate Sr.No. 62354

JAM/26.10.16/DB /2p-5c

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