



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2016

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

CrI.O.P. (MD) No.3949 of 2016

P.Jeyabalan

... Petitioner

-vs-

1. The Deputy Superintendent of Police,
Kodaikkanal, Dindigul District.

2. The Inspector of Police,
Kodaikkanal Police Station,
Dindigul District.

3. Justin Prakash

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondents to give adequate police protection to the petitioner and his family members to access their property situated at Survey No.67/2 & T.S No.43 & 44 as D.No.3/114, 3/116, 3/114-B5 in Block -C, Ward No.4 & 40/1C in Block C, Ward No.15 in Naidu Puram, Kodaikkanal Town, Dindigul District, on the basis of his complaint dated 09.12.2015.

For Petitioner : Mr.N.Sathish Babu

For Respondents : Mr.K.V.Rajarajan

Govt. Advocate (CrI.Side)

O R D E R

This petition has been filed to direct the respondents to give adequate police protection to the petitioner and his family members to access their property situated at Survey No.67/2 & T.S No.43 & 44 as D.No.3/114, 3/116, 3/114-B5 in Block -C, Ward No.4 & 40/1C in Block C, Ward No.15 in Naidu Puram, Kodaikkanal Town, Dindigul District, on the basis of his complaint dated 09.12.2015.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.Side) appearing for the State.

3. It is the case of the petitioner that there was a dispute between the petitioner and the 3rd respondent, which went upto the Supreme Court, wherein the 3rd respondent had given an undertaking affidavit in which he has stated as follows:

"13. That at the cost of repetition it is stated that on 24.08.2015 the deponent has vacated the said property in question. True photographs of the vacated premise is annexed hereto and marked as ANNEXURE A4 (pages 39 to 41).



Thereafter, the Supreme Court has passed the following order on 27.11.2015:

"Heard the learned counsel for the parties and perused the relevant material.

Learned counsel appearing on behalf of the alleged contemnor/respondent has handed over the key of the premises and a pay order on account of arrears of rent.

The same is accepted by the learned counsel for the petitioners. In view of the same, the contempt petitions are closed."

4. It is alleged by the petitioner that after having handed over the key, the 3rd respondent is now attempting to take forcible possession of the property and therefore, the petitioner lodged a complaint to the respondent police to give police protection.

5. Learned Government Advocate (Crl.Side) submits that on the complaint given by the petitioner, petition enquiry is pending in CSR No.518 of 2015.

6. Under such circumstances, the respondent police is directed to conduct thorough enquiry in CSR No.518 of 2015 and if the police is satisfied about the bonafide of the petitioner's claim, it is needless to say that the petitioner should be given sufficient protection to enjoy his property.

7. With the above observation, this petition is closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To:

1. The Deputy Superintendent of Police,
Kodaikkanal, Dindigul District.
2. The Inspector of Police,
Kodaikkanal Police Station, Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.N.Sathis Babu, Advocate Sr.No.12823

akm/16.03.2016/2p-5c/MP/AN/SAR-I

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