

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 14.03.2017
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.O.P.No.5145 of 2017

K.R.Manickam

[Petitioner]

Vs

1. The Superintendent of Police,
Erode District, Erode.
2. The Inspector of Police,
Bungalowpudur Police Station,
Bungalowpudur, Erode District. [Respondents]

Petition filed under Section 482 of the Criminal Procedure Code, to issue a direction to the respondents to give necessary police protection to the petitioner's life and property in compliance with the judgment dated 03.10.2001 made in S.A.Nos.1017 and 1019 of 1990 passed by this Court and also the interim injunction order dated 04.02.2017 made in I.A.No.114 of 2017 in O.S.No.24 of 2014 passed by the learned District Munsif Court, Sathyamangalam in view of the decision of this Court reported in 2014(2) CTC 695 by considering his petition dated 01.03.2017.

For Petitioner : Mr.N.Manokaran

For Respondents: Mr.C.Emalias,
Additional Government Pleader

O R D E R

This Criminal Original Petition has been filed to issue a direction to the respondents to give police protection to the petitioner on the basis of the representation given by the petitioner to the respondents on 01.03.2017, in accordance with law.

2.The petitioner states that he is the administrator of a Trust which was started on 18.02.1955 with an intention to supply drinking water to wayfarers and forest goers. The petitioner and other trustees filed a suit in O.S.No.12 of 1996 on the file of the Subordinate Court, Gobichettipalayam for declaration that the subject matter property is a Trust Property and for recovery of possession and the same was decreed. The

appeal and the second appeal filed by the defendants were also dismissed. Again the defendants filed a separate suit, which went upto second appeal. Now the petitioner states that the defendants are preventing him from maintaining the subject properties. The petitioner filed O.S.No.24 of 2017 before the District Munsif Court, Sathyamangalam along with interlocutory application and he also obtained interim injunction in his favour. Even then, the defendants are preventing the petitioner from maintaining the subject properties. Hence this Criminal Original Petition.

3.Mr.C.Emalias, learned Additional Public Prosecutor, takes notice for the respondents.

4.Learned counsel appearing for the petitioner submitted that even after obtaining injunction in favour of the petitioner, the defendants are preventing the petitioner to maintain the said properties and they are continuously giving trouble to the petitioner and hence, on the strength of the order passed by the Trial Court, the petitioner requested the respondent police to give police protection. Learned counsel appearing for the petitioner further submitted that in identical situation, this Court, in the case of Radhika Sri Hari and another v. Commissioner of Police reported in 2014 (2) CTC 695, has held that the petitioner in that case would be entitled to police protection as prayer for. Thus, he sought for similar direction in this petition also.

5.On the above submissions, I have heard also the learned Additional Public Prosecutor and perused the entire materials available on record.

6.In the decision reported in 2014 (2) CTC 695 - Radhika Sri Hari and another v. Commissioner of Police, in paras 7 and 8, this Court has held as follows:-

"7.In the aforesaid circumstances, this court considers it appropriate to refer to report of the committee constituted by the Government in G.O.(3D) No.42, Home dated 30.06.2008 towards review of the system of treating complaints relating to money and land matters and to suggest a legally acceptable methodology. The report of such committee touching upon several issues, was accepted by Government. Having done so, under G.O.Ms.No.1580 Home (POL.VII) Department dated 24.11.2008, the Director General of Police was required to circulate the report along with the 14 point guidelines annexed to such Government order to police officers/stations for appropriate adherence. Under C.No.43/CRB/CSP/2008

dated 08.12.2008, the Commissioner of Police, Chennai Sub-Urban, has caused communications to all Deputy Commissioners, Assistant Commissioners and Inspector of police for necessary action. Guideline 11 issued by the committee reads as follows:

"11. When police protection is sought for the implementation of a civil court order it should be given readily. Police should not insist on a specific court direction to give police protection."

8. What is informed above makes clear that the petitioner would be entitled to police protection as prayed for. Criminal original petition is allowed. There will be a direction to respondents to provide police protection to the petitioners for a period of three weeks from the date of receipt of a copy of this order towards enabling them raising fresh barbed wire fences on their property. The same will be at the cost of the petitioner."

Hence, as per the Guideline 11 issued by the committee constituted by the Government in G.O.(3D) No.42, Home dated 30.6.2008, when police protection is sought for, for the implementation of a civil court order, it should be given readily. In the instant case also, the petitioner has obtained injunction in his favour from the competent civil Court and the same is now in force. Hence, based on the said order, the petitioner is entitled to get police protection.

7. In the result, the respondent police is directed to consider the representation of the petitioner dated 01.03.2017 on merits and in accordance with law, after issuing notice to the petitioner as well as all the interested parties, and take appropriate action within a period of four weeks from the date of receipt of a copy of this order. Till then, the respondent police is directed to provide adequate police protection to the petitioner. However, the same will be at the cost of the petitioner.

8. The Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar

//True Copy//

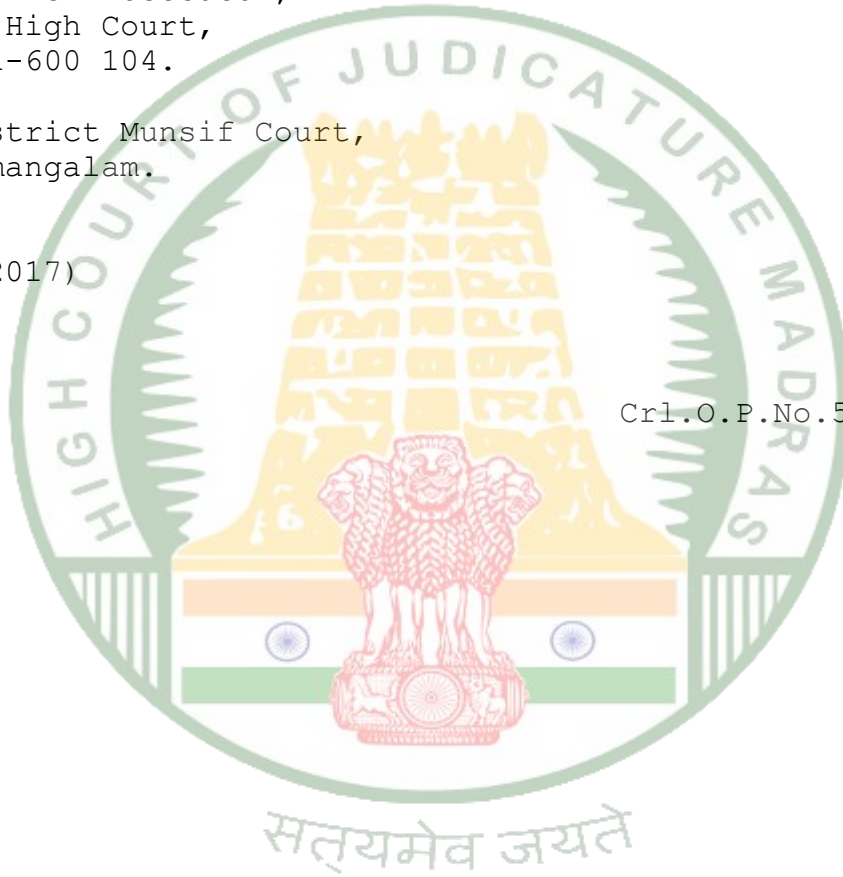
Sub Assistant Registrar

KM

To

1. The Superintendent of Police,
Erode District, Erode.
2. The Inspector of Police,
Bungalowpudur Police Station,
Bungalowpudur, Erode District.
3. The Public Prosecutor,
Madras High Court,
Chennai-600 104.
4. The District Munsif Court,
Sathyamangalam.

AK(CO)
RS(23/03/2017)



Crl.O.P.No.5145 of 2017

WEB COPY