

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No. 8172 of 2017

M.Nagaraj

..Petitioner

Vs

1. State rep. By
The District Superintendent of Police,
Krishnagiri District,
Krishnagiri.

2. The State rep. By
The Inspector of Police,
Rayakottai Police Station,
Krishnagiri District

..Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent to investigate and give police protection to the petitioner and his family on the basis of the petitioner's complaint dated 03.03.2017.

For Petitioner

: M/s.V.R.Annagandhi

For Respondents

: Mr.P.Govindarajan

Additional Government Pleader

ORDER

This Criminal Original Petition has been filed seeking for a direction to the respondent to investigate and to give police protection to the petitioner and his family on the basis of the petitioner's complaint dated 03.03.2017.

2. Heard both sides.

3. There is dispute between the petitioner and the third respondent with regard to the title over the land comprising in survey No. 189/2E, situated in Bodampati Village, Denkanikottai Taluk, Krishnagiri District. In this connection, the petitioner had earlier filed a suit in O.S. No. 120 of 2011 before the District Munsif, Denkanikottai, which came to be decreed. According to the learned counsel for the petitioner, the said decree has become final. In the meantime, the third respondent has also filed a suit in O.S. No. 51 of 2015 before the District Munsif, Denkanikottai, seeking for declaration over the subject property and an application in I.A.No.150 of 2015 was filed seeking interim injunction and the same was dismissed on 29.04.2015.

3. As against the said interim order, the third respondent has filed an appeal in C.M.A.No. 2 of 2016, which came to be allowed on 28.03.2016. As against the same, the petitioner and his family members filed C.R.P.No.2315 of 2016, before this Court and interim stay was granted on 29.07.2016. As such, it is seen that there is no civil court decree in favour of the third respondent herein. On the other hand, the petitioner has the benefit of decree dated 13.10.2011 made in O.S. No. 120 of 2011.

4. In this background, the petitioner had filed a complaint before the first respondent on 01.10.2017, seeking for police protection, since his agricultural activities are being carried on the subject lands. As the first respondent has not considered the petitioner's request till date, it has necessitated the petitioner to file the present petition.

5. It is needless to point out that, whenever a person has the benefit of civil decree to protect his land, the police is duty bound to extend the protection in order to effectively implement the civil court decree. In the present case, the petitioner, inspite of having decree in his favour, the first respondent police have not extended the protection to the petitioner for the purpose of implementing the same.

6. Since the petitioner, in his complaint, alleges the disturbance from the third respondent, preventing him from enjoying the properties peacefully, it would be appropriate to direct the first respondent police to extend the protection to the petitioner's subject property.

7. In the result, this Criminal Original Petition is allowed and the first respondent police is directed to extend the police protection based on the petitioner's complaint dated 03.03.2017, in order to safeguard the petitioner's property situated in survey no. 189/2E, Bodampati Village, Denkanikottai Taluk, Krishnagiri District.

06.09.2017

Index:Yes
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सत्यमेव जयते

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To

1. The District Superintendent of Police,
Krishnagiri District,
Krishnagiri.
2. The Inspector of Police,
Rayakottai Police Station,
Krishnagiri District
3. The Public Prosecutor,
High Court, Madras.



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M.S.RAMESH.J,

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