

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.07.2017

Coram:

The Hon'ble Mr. **Justice M.S.RAMESH**

Crl.O.P.No.11201 of 2015
and M.P.No.1 of 2015

1.Sunny
2.C.P.Mary

...Petitioners

Vs.

The State
Rep. by Inspector of Police,
Poonamallee Police Station,
Ambattur Taluk,
Trivellore District.

...Respondent

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the respondent herein to forthwith give adequate Police Protection for evicting the encroachers in the lands described in the Schedule appended to the Petition and protect the possession of the Petitioners in respect of the lands in question.

For Petitioners : Mr.AR.L.Sundaresan
Senior Counsel for
M/s.AL.Ganthimathi

For Respondent : Mr.P.Govindarajan,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the

respondent herein to forthwith give adequate Police Protection for evicting the encroachers in the lands described in the Schedule appended to the Petition and protect the possession of the Petitioners in respect of the lands in question.

2. In spite of having benefited by a Decree for Declaration, Title and Permanent Injunction of the property in Survey No.254/1A in No.58 Kattupakkam Village Sriperumbudur Taluk, Kancheepuram District, the petitioner has complained of encroachment by third parties, consequent to which, he has given a complaint to the respondent on 15.04.2015 seeking police protection. Since the respondent police has not acted on the said complaint, the present petition has been filed.

3. It is seen that as against the decree in O.S.No.49 of 1988 dated 23.09.1993, the defendant therein had filed an Appeal in A.S.No.57 of 1996, which came to be allowed initially and in the review, the appeal was restored for fresh hearing by judgment dated 20.3.2015 and thereafter, after contest, the appeal in A.S.No.57 of 1996 was dismissed.

4. It is the submission of the learned counsel for the petitioner that the said decree has become final. It is settled law that whenever, there is a decree of a civil court in favour of a person, the respondent police are bound to give protection to the property.

5. Under these circumstances, the petitioner is granted liberty to approach the respondent police seeking protection as and when required during the pendency of the decree of injunction and when such a representation is made, the respondent shall give protection to the petitioner during the existence/pendency of the decree for permanent injunction.

6. With the above directions, the Criminal Original Petition is allowed. Consequently, connected M.P. is closed.

25.07.2017

Index: Yes/No
Internet: Yes/No
ggs

WEB COPY

M.S.RAMESH, J.

ggs

To

1. The Inspector of Police,
Poonamallee Police Station,
Ambattur Taluk, Trivellore District.
2. The Public Prosecutor, High Court, Madras.



**Crl.O.P.No.11201 of 2015
and M.P.No.1 of 2015**

WEB COPY

25.07.2017