

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.04.2017

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THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P. No.7398 of 2017

J.Alexander

.. Petitioner

versus

State by

1. The Asst. Commissioner of Police,
Salem, Salem District.

2. The Inspector of Police,
Pallapatty Police Station,
Salem District. ... Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents herein to provide police protection for the life and safety of the petitioner and his family members servant for putting up a borewell in his property situated at Ravaneshwara Nagar, LSP Oil Backside, Pallapatty, Salem, Salem District comprised in T.S.No.2/9B2 New Survey No.26/15.

For Petitioner : Mr.R.C.Paul Kanagaraj
for M/s.N.Alamelu

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The present Criminal Original Petition has been filed seeking a direction to the respondents to provide police protection for the life and safety of the petitioner and his family members, servant for putting up a borewell in his property situated at Ravaneshwara Nagar, LSP Oil Backside, Pallapatty, Salem, Salem District comprised in T.S.No.2/9B2 New Survey No.26/15.

2. It is the case of the petitioner that he is the owner of the land in T.S.No.2/9B2, New Survey No.26/15 situated at Ravaneshwara Nagar, LSP Oil Backside, Pallapatty, Salem, Salem District. While so, on 21.02.2017, the petitioner went to put up a borewell in his property, the adjacent land owner, one George Arokiyaraj, his family members and henchmen, threatened

him with deadly weapons. Hence, he made a complaint to the second respondent dated 21.02.2017. However, till date, no action was taken by the second respondent. Therefore, the petitioner has no other option except to approach this Court with the present petition for the aforesaid relief.

3. Learned counsel appearing for the petitioner submitted that in an identical situation, this Court, in the case of RADHIKA SRI HARI AND ANOTHER vs. 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.

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

5. In the decision reported in 2014 [2] CTC 695 [RADHIKA SRI HARI AND ANOTHER vs. COMMISSIONER OF POLICE], in paragraphs 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 decree in his favour from the competent Civil Court and the same is now in force. Hence, based on the said decree, the petitioner is entitled to get police protection for restoring the possession of his land.

6. In the result, the Criminal Original Petition is allowed and the second respondent police is directed to provide adequate police protection to the petitioner, of course, at the cost of the petitioner, for a period of three weeks from the date of receipt of a copy of this order to enable him to put up a borewell in his property, situated at Ravaneshwara Nagar, LSP Oil Backside, Pallapatty, Salem, Salem District comprised in T.S.No.2/9B2, New Survey No.26/15.

Sd/-
Asst.Registrar

/true copy/

सत्यमेव जयते
Sub Asst. Registrar

sri

To

1. The Asst. Commissioner of Police,
Government of Tamil Nadu,
Salem, Salem District.

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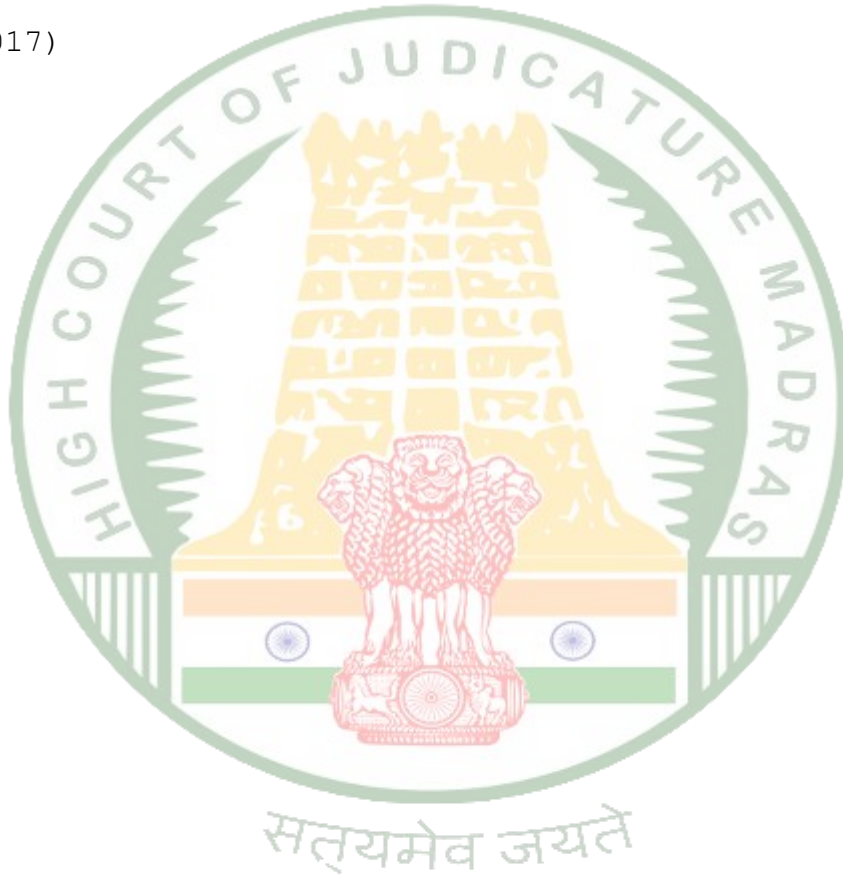
2. The Inspector of Police,
Government of Tamil Nadu,
Pallapatty Police Station,
Salem District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R. Ramesh, Advocate Sr. 24891

Cr1.O.P. No.7398 of 2017

RJ(CO)
VR(27/4/2017)



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