

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2017

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THE HONOURABLE MR. **JUSTICE R.MAHADEVAN**

Crl.O.P.No.3883 of 2017

P.Jansi

Vs

... Petitioner

State rep. by
the Inspector of Police,
T-12, Poonamallee Police Station,
Poonamallee, Tiruvallur District.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C to direct the respondent police to investigate the petitioner's complaint dated 11.01.2017 and grant protection to the petitioner and her construction works from the goons and thugs of Seneerkuppam village.

For Petitioner : Mr.Thanjai P.N.Chezhan

For Respondent : Mr.C.Emalias,
Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking a direction to the respondent police to investigate the petitioner's complaint dated 11.01.2017 and grant protection to the petitioner and her construction works from the goons and thugs of Seneerkuppam

village.

2. It is the case of the petitioner that the petitioner and her husband late Ponraj have purchased the lands in S.Nos.63/2, 63/3, 63/4, 63/5 and 63/6 situated in the village of Seneerkuppam, Poonamallee Firka and Taluk, Tiruvallur District, measuring about 18 grounds by four registered sale deeds and they have been in possession and enjoyment of the said properties by putting up compound wall. When they started construction works in the said properties, the Revenue officials interfered with their peaceful possession and tried to evict them from the properties forcibly. Hence, the petitioner and her husband filed a suit in O.S.No.48 of 2007 before the District Munsif Court, Poonamallee for permanent injunction against the Revenue Inspector, Seneerkuppam Village and the Tahsildar, Poonamallee Taluk. During the pendency of the suit, the petitioner's husband died and his legal heirs were impleaded as parties to the suit. By a judgment and decree dated 26.04.2012, the said suit was decreed as prayed for in favour of the plaintiffs. Thereafter, the petitioner has proceeded to resume the construction works in the properties in question, which was obstructed by the goons and thugs of the Seneerkuppam village by demanding money from her, which compelled her to lodge a complaint dated 11.01.2017 to the respondent seeking police protection, enabling her to start construction

works. Though the said complaint was received vide CSR No.54 of 2017, till date, no action has been taken by the respondent police. Hence, this Criminal Original Petition by the petitioner.

3. Learned counsel appearing for the petitioner submitted that though the petitioner is the lawful owner of the properties in question and she obtained a civil court decree in her favour, the goons and thugs of Seneerkuppam Village have caused hindrance and disturbance to her, when she started construction works in the properties in question. Hence, the petitioner filed a complaint seeking police protection, which was not considered by the respondent police.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent, on instructions, submitted that pursuant to the complaint lodged by the petitioner, enquiry was conducted by calling upon both the parties, during which, it was revealed that the dispute between the parties is civil in nature. Hence, the respondent police called for a report from the Tahsildar, Poonamallee, in respect of the properties in question, who, in turn, submitted his reports dated 06.02.2017 and 31.05.2017, as per which, the land in S.No.63/2 measuring to an extent of 0.57.0 Hectares of Seneerkuppam village has been classified as 'Kulam' in revenue accounts and the petitioner

has obtained the civil court decree by manipulation of revenue records, however, it has been stated that for arriving at a conclusion in this matter, old natham survey records have to be verified. Based on the same, the request of the petitioner has not been considered by the respondent police.

5. Heard both sides and perused the records.

6. Admittedly, the petitioner has filed a suit in O.S.No.48 of 2007 before the Additional District Munsif Court, Poonamallee for permanent injunction in respect of the properties in question against the revenue officials and obtained a decree dated 26.04.2012 in her favour, which is, according to the Tahsildar, Poonamallee, by manipulation of records. However, the same has not been challenged by the Revenue Officials till date, as such, it has become final and binding on the parties. Under such circumstances, the petitioner is entitled for police protection in the light of the decision reported in **2014 (2) CTC 695 (Radhika Sri Hari and another v. Commissioner of Police)**, wherein, 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."

R.MAHADEVAN, J.

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7. Accordingly, the criminal original petition is disposed of, by directing the respondent police to consider the complaint of the petitioner dated 11.01.2017 and provide adequate police protection to the petitioner, to enable her to complete the construction works. However, the same will be at the cost of the petitioner.

19.06.2017

Index:Yes/No

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To

1.The Inspector of Police,
T-12, Poonamallee Police Station,
Poonamallee, Tiruvallur District.

2.The Public Prosecutor,
High Court, Madras.

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