

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.06.2017
CORAM
THE HONOURABLE MR. JUSTICE R.MAHADEVAN
Crl.O.P.No.7960 of 2017

K.S.Varadaraj

... Petitioner

Vs

1.The State,
rep. by the Superintendent of Police,
Vellore District, Vellore.

2.The State rep.by
The Deputy Superintendent of Police,
Vaniyambadi, Vellore District.

3.The State rep.by
The Inspector of Police,
Natrampalli Police Station,
Vellore District.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents to give police protection to the petitioner based on the complaint given by him on 13.04.2017 based on civil Court order decided in O.S.No.151 of 2015 before the Principal District Munsif Court, Tirupattur, Vellore District, dated 18.11.2016.

For Petitioner : Mr.Muniyapparaj for
M/s.I.Paul Noble Deva Kumar

For respondents : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

The present criminal original petition has been filed seeking a direction to the respondent police to provide police protection to the petitioner to enforce the judgment and decree viz., permanent injunction order as granted by the Principal District Munsif Court, Tirupattur in O.S.No.151 of 2015 dated 18.11.2016, restraining the defendants and their men in any manner disturbing the petitioner's peaceful possession and enjoyment of the suit property as a tenant and from attempting to cause forcible eviction of the demised premises, until the order of eviction is passed by any Court, in compliance with the

law declared by this Court in Radhika Sri Hari Case (2014 (2) CTC 695).

2.It is stated by the petitioner in the affidavit filed in support of this petition that he is the tenant under one Umachandran and Balachandran relating to 1.69 acres of land in Natrampalli Village, Vellore District and the petitioner is carrying out garment business in the said land. A rental agreement was executed on 22.03.2013 between them and the petitioner herein and the same was also registered in Sub-Registrar's Office, Natrampalli for a monthly rent of Rs.1,30,000/- and an advance of Rs.20,00,000/-. The said Umachandran and Balachandran (landlords) also received a sum of about Rs.40 lakhs from the petitioner for construction of a new building in the aforesaid property. While so, the landlords have started giving trouble to the petitioner in order to vacate the premises without returning the advance amount of Rs.20,00,000/- and the amount received by them for constructing the building. The petitioner filed a civil suit in O.S.No.151 of 2015 on the file of the Principal District Munsif, Tirupattur, restraining the landlords and their men in any manner disturbing the petitioner's peaceful possession and enjoyment of the suit property as a tenant and from attempting to cause forcible eviction of the demised premises, until the order of eviction is passed by any Court, and the same was decreed in favour of the petitioner. In spite of the permanent injunction obtained from the competent Civil Court, the petitioner was not able to carry out his business operations, as the defendants are often sending hirelings to the business premises to make kattapanchayat. The petitioner approached the respondent police seeking police protection, for which no action is forthcoming. Hence this Criminal Original Petition.

3. Learned counsel appearing for the petitioner submitted that even after obtaining an order of permanent injunction from the Trial Court, the defendants are continuously giving trouble to the petitioner and hence, on the strength of the order passed by the Court, he requested the respondent police to give police protection to him and his family. 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.

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

5. In the decision reported in 2014 (2) CTC 695 - Radhika Sri Hari and another v. 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 an order of permanent injunction in his favour from the Trial Court and the same is now in force. Hence, based on the said order, the petitioner is entitled to get police protection for his life and property.

6. In the result, the criminal original petition is allowed and the respondent police is directed to provide adequate police protection to the petitioner's life and property, as and when required by him. However, the same will be at the cost of the petitioner.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

KM

To

- 1.The Superintendent of Police,
Vellore District, Vellore.
- 2.The Deputy Superintendent of Police,
Vaniyambadi, Vellore District.
- 3.The Inspector of Police,
Natrampalli Police Station,
Vellore District.
- 4.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.I.Paul Nobel Devakumar Advocate sr 41186

Cr1.O.P.No.7960 of 2017

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