

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Cr1.O.P.No.23241 of 2016

T.Karuppaiah

... Petitioner

Vs.

1. The Superintendent of Police,
Perambalur District,
Perambalur.

2. The Deputy Superintendent of Police,
Perambalur Town Division,
Perambalur.

3. The Inspector of Police,
Perambalur Town Police Station,
Perambalur.

4. T.Duraisamy

5. Arumugam.

.... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the second respondent to give police protection for the petitioner to plough his land in Old.S.No.285/2, 285/3 and 285/4 at Melapuliyur Village, Perambalur Taluk & District by considering his representation dated 23.09.2016.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.C.Iyyapparaj
1 to 3 Additional Public Prosecutor.

For Respondents : No appearance
4 & 5

O R D E R

The prayer sought for in the present petition is to direct the second respondent to give police protection for the petitioner to plough his land in Old.S.No.285/2, 285/3 and 285/4 at Melapuliyur Village, perambalur Taluk & District by considering his representation dated 23.09.2016.

2. Heard Mr.R.Jayaprakash, learned counsel appearing for the petitioner and Mr.C.Iyyapparaj, learned Additional Public Prosecutor appearing for the respondents 1 to 3 and perused the materials available on record.

3. Though the respondents 4 and 5 have been served with the notice and their names being printed in the cause list, non appears.

4. The learned counsel for the petitioner submitted that in connection with the dispute over the properties compromised in Old.S.No.285/2, 285/3, 285/4 in Melapuliyur Village, Perambalur Taluk and District, the suit came to be filed before the District Munsif Court, Perambalur by the petitioner herein, seeking for Declaration and Permanent Injunction against the respondents 4 and 5 herein.

5. By a Judgment and Decree dated 26.09.2013, the suit was decreed as prayed for. As such the plaintiff has been granted an order of Permanent Injunction in connection with the subject properties. While that being so, when the petitioner had attempted to carry on his agricultural activities, it is submitted that the respondents 4 and 5 have created obstructions inspite of an order of Injunction being granted in his favour. Hence, the petitioner had given various complaints to the respondent police, seeking for protection. However, since no action has been taken on the petitioner's complaints, the petitioner was constrained to file the present petition before this Court.

6. It is needles to point out that, whenever a complaint is made seeking police protection, the respondent police is duty bound to dispose off the same one way or the other, without keeping it pending indefinitely.

7. In the present case, though the petitioner was granted an order of permanent injunction by a Judgment and decree of a Civil Court in his favour, the respondents 4 and 5 are interfering with his peaceful possession and enjoyment of his subject properties. While that being so, it is the duty of the respondent police to ensure that the order of the Civil Court is effectively implemented. As such the petitioner is entitled for

police protection to enable the peaceful enjoyment of his property.

8. In the result, the Criminal Original Petition stands allowed.

9. The petitioner is granted liberty to make out a fresh application before the third respondent for police protection, for the purpose of peaceful enjoyment of his aforesaid properties. On receipt of such representation, the third respondent shall consider it positively and extend the police protection to the petitioner. Such an exercise of considering the petitioner's representation shall be done on the same day of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

nmm/ak

To

1. The Superintendent of Police,
Perambalur District,
Perambalur.
2. The Deputy Superintendent of Police,
Perambalur Town Division,
Perambalur.
3. The Inspector of Police,
Perambalur Town Police Station,
Perambalur.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Jayaprakash, Advocate, S.R.No.79674

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RR(CO)
CS/24/11/17