

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2017

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THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Cr1.O.P.No.27538 of 2016

Saravanan

... Petitioner

Vs

1.State rep. By
Superintendent of Police,
Office of the Superintendent of Police,
Coimbatore.

2.Inspector of Police,
K-G, Chavadi Police Station,
Coimbatore.

... Respondents

Criminal Original Petition filed under Section 482
Cr.P.C. to direct the respondents 1 and 2 to provide police
protection to the petitioner based on his complaint dated
12.12.2016.

For Petitioner : Mr.S.Shankar
For Respondents : Mr.C.Emalias,
Addl. Public Prosecutor

ORDER

The present criminal original petition has been filed
seeking a direction to the respondents 1 and 2 to provide police
protection to the petitioner based on his complaint dated
12.12.2016.

2. It is the case of the petitioner that by way of a
lease deed dated 07.10.2016, he is the lease holder of the land
measuring to an extent of 1.5 Acres, situated at Ettimadai
Village, Chavadi Pudhur, which is belonging to one Muruganantham
and he is in possession and and enjoyment of the same by doing
cultivation. While so, on 20.10.2016, one Sundarasamy, who is
the adjacent land owner, attempted to trespass into the land and
occupy the same. Hence, the petitioner filed a suit in
O.S.No.1603 of 2016 before the District Munsif Court, Coimbatore
and obtained an order of interim injunction against the said

Sundarasamy, by order dated 23.11.2016 in I.A. No.1768 of 2016. Despite the same, on 09.12.2016, the said Sundarasamy and others, trespassed into the land of the petitioner and damaged the plantain cultivation, which compelled the petitioner to lodge a complaint with the second respondent for taking appropriate action. Finding no response, he sent a representation to the first respondent on 12.12.2016 seeking police protection and the same is pending without any progress. Therefore, the petitioner has come up with the present petition for the above stated relief.

3. Learned counsel appearing for the petitioner submitted that even after obtaining interim injunction in favour of the petitioner, the adjacent land owner Sundarasamy trespassed into the petitioner's land and caused damage to the land and hence, on the strength of interim injunction, he requested the respondent police to give police protection. 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 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 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.

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 interim injunction in his favour from the competent civil Court and the same is now in force. Hence, based on the said order, the petitioner is entitled to get police protection in respect of his property.

6. In the result, the criminal original petition is disposed of, by directing the respondent police to consider the representation of the petitioner dated 12.12.2016 on merits and in accordance with law, after issuing notice to the petitioner as well as all the interested parties and take appropriate action within a period of four weeks from the date of receipt of a copy of this order. Till then, the respondents are directed to provide adequate police protection to the petitioner. However, the same will be at the cost of the petitioner.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rk

To

1.The Superintendent of Police,
Office of the Superintendent of Police, Coimbatore.

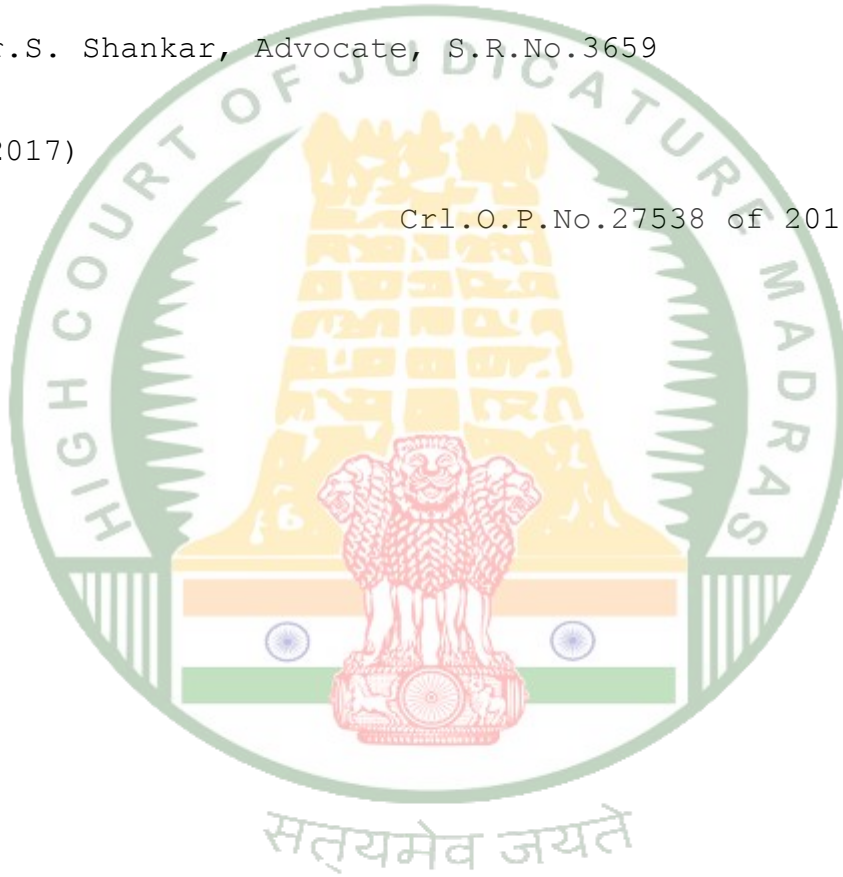
2.Inspector of Police, K-G, Chavadi Police Station,
Coimbatore.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S. Shankar, Advocate, S.R.No.3659

rk(CO)
md(14/02/2017)

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