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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.11.2017
CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP.(MD).No.16154 of 2017

M.Veerakamatchi ... Petitioner

Vs.

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

2. The Inspector of Police,
   Kodaikanal Police Station, Dindigul District.

3. Samson Ashok Chinnappa
4. Saraswathi Chinnappa
5. Vetrivel ... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct respondents 1 and 2 to take action on the petitioner's complaint, dated 12.08.2017 and to give police protection to the petitioner's life and his property in S.No.1008/1B to the extent of 14 Ares situated in Vilpatti Village, Kodaikanal Taluk, Dindigul District.

For Petitioner : Mr.M.Venkatesan
For R-1 & R-2 : Mr.K.S.Durai Pandiyan,
Additional Public Prosecutor.

ORDER

This Criminal Original petition is filed for issuing a direction to respondents 1 and 2 to take action on the petitioner's complaint, dated 12.08.2017 and to give police protection to the petitioner's life and his property in S.No.1008/1B to the extent of 14 Ares, situated in Vilpatti Village, Kodaikanal Taluk, Dindigul District.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for respondents 1 and 2.

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3. The petitioner states that he is the owner of an extent of 14 Ares in Vilpatti Village, Kodaikanal Taluk, Dindigul District. According to the petitioner, the petitioner became the owner under Settlement Deed, dated 02.08.2016. The petitioner claims right on the basis of the various documents tracing title from the original owner one S.Kaja Mohideen. The petitioner also states that his father filed a suit in O.S.No.130 of 2013 on the file of the learned District Munsif cum Judicial Magistrate, Kodaikanal. It is contended by the learned counsel for the petitioner that though the said Suit was dismissed for want of cause of action, a categorical finding was rendered by the civil Court about the petitioner's lawful possession and enjoyment of the property, namely, an extent of 14 Ares in Survey No.1008/1B in Vilpatti Village. In the Suit, respondents 3 and 4 herein are shown as defendants. Mainly relying upon the findings of the civil Suit, the learned counsel for the petitioner states that the lawful possession and enjoyment of the property by the petitioner's father was accepted by the civil Court and that therefore, the petitioner should be deemed to be in lawful possession for the purpose of granting police protection to him.

4. It is true that the civil Court has held in favour of the petitioner's father that he is in possession of the property and that the defendants have not proved their possession. However, the Suit for injunction filed by the petitioner's father was dismissed on the ground that there is no cause of action for the Suit. Assuming that the findings are against the defendants in the Suit, the defendants cannot file an Appeal as against the findings, as the Suit was ultimately dismissed. Hence, this Court is not in a position to hold that the civil Court's verdict is binding on the defendants in the Suit in as much as the Suit for Injunction was ultimately dismissed. In these circumstances, this Court is not in a position to approve the petitioner's title and enjoyment on the basis of the Judgment in O.S.No.130 of 2013 on the file of the learned District Munsif cum Judicial Magistrate, Kodaikanal. Further the fifth respondent is not a party to the suit.

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5. It has been repeatedly held by this Court in earlier cases that a person is not entitled to claim police protection when there is a dispute in relation to the property, as an order of police protection is likely to be interpreted, as if the Court has acknowledged the person's lawful possession and enjoyment and title. Neither the Revenue Authorities nor the police officials have jurisdiction to decide the dispute between the parties with regard to any immovable property. It is to be noted in the present case the petitioner has not obtained civil Court's decree declaring his title or enjoyment. The mere finding in the suit that the petitioner's father was in lawful possession and enjoyment of the property is not helpful in view of the fact that the suit was dismissed. In such circumstances, a direction for police protection is likely to cause immense hardship to the other side. Hence, the Criminal Original petition is dismissed. However, the petitioner is at liberty to approach the civil Court for appropriate relief. The petitioner can also file an appeal as against the dismissal of the Suit in O.S.No.130 of 2013 on the file of the learned District Munsif cum Judicial Magistrate, Kodaikanal.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

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

2. The Inspector of Police,
   Kodaikanal Police Station, Dindigul District.

3. The Additional Public Prosecutor,
   Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.M.VENKATESAN, Advocate SR.No.89531.

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