



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:28.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED

Cr1.OP(MD)No.5377 of 2017

WEB COPY

S.M.Mohamed Abdul Kader

: Petitioner

Vs.

1.The Commissioner of Police,
Office of the Commissioner of Police,
Tirunelveli.

2.The Inspector of Police,
Pettai Police Station,
Pettai, Tirunelveli District.

3.Seyed Mohammed Buhari Ammai

4.Jamal

: Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to direct the 2nd respondent to provide police protection to the petitioner's house in Survey Nos.658 and 659, at Door No.92, M.G.P.Sannathi Street, New Pettai, Tirunelveli District, till the entire construction process at the Court yard of his house is completed on the basis of his representation, dated 21.04.2017.

For Petitioners

: Mr.B.N.Rajamohamed

For Respondents
(R1 and R2)

: Mr.P.Kandasamy
Government Advocate (crl.side)

ORDER

This Criminal Original Petition is filed praying to direct the 2nd respondent to provide police protection to the petitioner's house in Survey Nos.658 and 659, at Door No.92, M.G.P.Sannathi Street, New Pettai, Tirunelveli District, till the entire construction process at the Court yard of his house is completed on the basis of his representation, dated 21.04.2017.

2. The learned counsel appearing for the petitioner would submit that a civil Suit in O.S.No.897 of 1989 was decreed in favour of the 3rd respondent and against that Judgment, the petitioner preferred appeal in A.S.No.65 of 2001, before the learned I Additional Subordinate Judge, Tirunelveli and the said Appeal was also dismissed on 22.11.2001, confirming the Judgment and Decree of the trial Court in O.S.No.897 of 1989, dated



3. Thereafter, the petitioner taking steps to patch up the courtyard to an extent of 2 feet in wide within the property and the 4th respondent and his family members intimidates the petitioner and his construction labourers with dire consequences in the event of any progress in the construction process. It is also stated that the petitioner has given a representation to the respondents Police on 21.04.2017, for police protection, till the completion of construction work, but they refused to receive. Hence, the petitioner has filed the present Criminal Original Petition, for the aforesaid relief.

4. The learned Government Advocate (crl.side) appearing for the respondents 1 and 2 states that there is a civil dispute between the parties. However, if a representation is given by the petitioner herein, for police protection, the same should be considered by the respondent Police.

5. Considering the above facts and circumstances of the case and also considering the submissions made on either side, the 2nd respondent Police is directed to consider the representation of the petitioner, dated 21.04.2017, on merits and in accordance with law and to give police protection to the petitioner herein, for the said construction, if necessary.

6. With the above direction, this Criminal Original Petition is ordered accordingly.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1.The Commissioner of Police,
Office of the Commissioner of Police,
Tirunelveli.

2.The Inspector of Police,
Pettai Police Station,
Pettai, Tirunelveli District.

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

+1cc to Mr.B.N.Raja Mohammed,Advocate,SR.55057

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28.04.2017