



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 31 .01.2017

CORAM

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM
Crl.O.P.(MD) No.21739 of 2016

WEB COPY

Rani Meyyammai Achi of Chettinad Charitable Trust,
No.603, Anna Salai,
Rani Seethai Hall Building,
5th Floor,
Chennai-6.

Rep. by its Authorised Officer,
Mr.A.Subramanian

: Petitioner

-vs-

1.The State rep. by
The Inspector of Police,
Pasupathi Palayam Police Station,
Karur District.

2.P.Pitchaimuthu

: Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st respondent to provide adequate police protection to fence the property in Survey No.1685/A4, and 1686/A3B, Puliur Village, , Karur District.

For Petitioner : Mr.S.Jeyaprakash

For 1st Respondent : Mr.A.P.Balasubramani
Govt. Advocate (Crl.Side)

For 2nd Respondent : Mr.P.Thiagarajan

O R D E R

This petition has been filed, seeking to direct the 1st respondent to provide adequate police protection to fence the property comprised in Survey Nos.1685/A4, and 1686/A3B, Puliur Village, Karur District.

2.The learned counsel appearing for the petitioner has submitted that the petitioner is the owner of the property in dispute and the 2nd respondent, without having any right, has attempted to disturb the peaceful possession and enjoyment of the Trust property by cutting and removing the fencing of the property and due to which, the petitioner filed a suit O.S.No.300 of 2009 before the District Munsif Court, Karur and obtained permanent injunction, on 15.03.2016 and in this connection, the petitioner has approached the 1st respondent and made a representation, dated 05.10.2016 seeking protection to put up fence. Since, no action has been taken, the petitioner is before this court by way of this



petition.

3.The learned Government Advocate (Criminal side) appearing for the 1st respondent has submitted that since the dispute between the parties are civil in nature, the 1st respondent police cannot interfere in the civil right of the parties and hence, the relief sought for by the petitioner cannot be granted and prayed for the dismissal of the petition.

4.The learned counsel appearing for the 2nd respondent has submitted that the present petition filed by the petitioner is not at all maintainable in law, as civil litigation is pending for adjudication before the Sub Court, Karur in A.S.No.42 of 2016 and hence, prayed for the dismissal of the petition.

5.Heard the rival submissions and perused the materials available on record.

6.It is seen from the records that with regard to the property in dispute, the petitioner filed a suit in O.S.No.300 of 2009 against the 2nd respondent and the said suit was decreed and against which, the 2nd respondent filed appeal before the Sub Court, Karur, in A.S.No.42 of 2016, which is pending adjudication. In view of the above circumstances, this court is of the considered view that since the civil litigation is pending for adjudication before the appellate court, the relief sought for by the petitioner cannot be granted.

7.In the result, this petition is **dismissed**. However, the petitioner is at liberty to approach the competent civil court to seek appropriate remedy in the manner known to law.

Sd/-

Assistant Registrar (co)

/True Copy/

Sub Assistant Registrar

To:

- 1.The Inspector of Police,
Pasupathi Palayam Police Station,
Karur District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO MR. K.KRISHNAVENI, ADVOCATE, SR NO.5780
+2 CC TO MR. S.JEYA PRAKASH, ADVOCATE, SR NO.5817
MAS/SV-MMS:13.02.2017:2P/6C

Cr1.O.P. (MD) No.21739 of 2016
31.01.2017