



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25 .01.2017

CORAM

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THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

Cr1.O.P. (MD) No.21803 of 2016

M.S.Ismail

: Petitioner

-vs-

1.The Superintendent of Police,
Office of Superintendent of Police,
Ramanathapuram District.

2.The Sub Inspector of Police,
Thiruppullani Police Station,
Thiruppullani,
Ramanathapuram District.

3.Mr.Badrudeen

4.Meerasa

: Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st respondent to direct the 2nd respondent to give necessary protection to the petitioner and his family members for their life and limbs, by considering the petitioner's representation, dated 19.09.2016 within the period stipulated by this court.

For Petitioners: Mr.A.Haja Mohideen

For R1 and R2 : Mr.A.P.Balasubramani
Govt. Advocate (Cr1.Side)

For R3 and R4 : Mr.J.Sulthan Basha
for M/s.Ajmal Associates

O R D E R

This petition has been filed, seeking to direct the 1st respondent to direct the 2nd respondent to give necessary protection to the petitioner and his family members for their life and limbs, by considering the petitioner's representation, dated 19.09.2016.

2.The learned counsel appearing for the petitioner has submitted that the petitioner is the owner of the property in dispute and the respondents 3 and 4 without having any right have



been disturbing the peaceful possession and enjoyment of the petitioner and his family members and that on 21.08.2016, the 3rd respondent along with his associates came to the petitioner's property and threatened the petitioner and his family members not to construct any compound wall and that in this connection, the petitioner has given a representation to the respondents police on 19.09.2016. 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 respondents 1 and 2 has submitted that since the dispute between the parties are civil in nature, the respondents 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 respondents 3 and 4 has submitted that the present petition filed by the petitioner is not at all maintainable in law, as civil litigation is pending for adjudication 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 3rd respondent has filed a suit in O.S.No.64 of 2007 against one Mohammed Beevi and 3 others and the said suit was dismissed and against which, the 3rd respondent filed appeal before the Sub Court, Ramanathapuram, in A.S.No.22 of 2013 and the same was allowed. Aggrieved by the judgment of the Sub Court, Ramanathapuram, the said M.Mohabbath Deevi and her children, filed second appeal in S.A.(MD)No.526 of 2016, which is pending adjudication. In view of the above circumstances, this court is of the considered view that the civil litigation is pending for adjudication before this court and as such, the application made to the Tashildar for grant of patta in respect of the property in dispute by the petitioner is pending, the relief sought for by the petitioner cannot be granted.

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

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar



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To:

1.The Superintendent of Police,
Office of Superintendent of Police,
Ramanathapuram District.

2.The Sub Inspector of Police,
Thiruppullani Police Station,
Thiruppullani,
Ramanathapuram District.

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

+1CC to M/S.Ajmal Associates, Advocate Sr.No.4379

GJM/BS/MR/6.2.17-3p-5C

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25.01.2017