

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.6072 of 2018

1.C.Panneerselvam
2.P.Kanagavalli
3.P.Indrani

.. Petitioners

Vs

1.Inspector of Police,
Hastampatty Police Station,
Salem.
2.Munusamy
3.Sakunthatla
4.Selvaraj
5.Alamelu

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct the 1st respondent police to provide protection to the petitioners for constructing concrete house under the Tamil Nadu Slum Clearance Board Scheme as per the communication dated 27.09.2017 in the land assigned to 2nd petitioner issued by Tahsildar, Salem on 01.11.2007 in Plot 1/66, Hastampatty Village, Salem.

For Petitioners : Mr.J.Prithivi

For Respondents : Ms.M.Prabhavathi,
Additional Public Prosecutor, for R1
Mr.R.Suriya Prakash for R2 & R3

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been filed to provide protection to the petitioners for constructing concrete house under the Tamil Nadu Slum Clearance Board Scheme as per the communication dated 27.09.2017 in the land assigned to 2nd petitioner issued by Tahsildar, Salem on 01.11.2007 in Plot 1/66, Hastampatty Village, Salem.

2. The first petitioner is the husband of Kanagavalli. Kanagavalli, the second petitioner was assigned 800 square feet of land in No.52, Hastampatty Village, Salem District, vide proceedings dated 01.11.2007. The Tamil Nadu Slum Clearance

Board has sanctioned Rs.2,10,000/- to the second petitioner, vide order dated 27.09.2017 permitting the petitioner to build a house measuring 300 square feet in the said land. There appears to be a dispute between the petitioners and one C.Panneerselvam, Munusamy and Sakunthala with regard to the boundary on the western side and therefore, the petitioners has filed a suit in O.S.No.490 of 2013 and the same is now pending on the file of the 1st Additional District Munsif Court, Salem, for mandatory injunction to direct Munusamy to remove the obstruction like projection of eaves made in the western side of the petitioners' properties. An interim injunction has been obtained by the petitioners in I.A.No.571 of 2013 restraining Munusamy and party from interfering with their peaceful possession of the property. While so, the petitioners are before this Court for police protection for the purpose of putting up a structure with the funds provided by the Government.

3.Heard Mr.J.Prithivi, learned counsel for the petitioners; Mrs.M.Pabhavathi, learned Additional Public Prosecutor for the first respondent-State and Mr.R.Suriya Prakash learned counsel for respondents 2 and 3.

4.The learned counsel for the petitioners submitted that as per the order dated 27.09.2017, the petitioners should complete the construction before 27.09.2018 and that respondents 2 to 5 are preventing the petitioners from putting up any construction, though an order of interim injunction is in their favour.

5.Per contra, the learned counsel for the respondents 2 and 3 fairly conceded that they would not cause any obstruction as long as the petitioners do not make any encroachment on the western side, which is a disputed territory.

6.Recording his submission, this Court directs police protection to the petitioners to ensure that there is no hindrance to the construction by them within their boundary, without causing any encroachment on the western side of the property. The 1st respondent police is directed to afford sufficient police protection to the petitioner.

With the above direction, this petition is closed.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

mbi/gms

To

1.The Inspector of Police,
Hastampatty Police Station,
Salem.

2.The Public Prosecutor
High Court, Madras.

+2cc to Mr.Kaithamalai Kumaran Advocate, S.R.No. 59878 & 60447

CRL.OP.No.6072 of 2018

NA (CO)
GN(04/09/2018)



WEB COPY