

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.4310 of 2018

1.Dr.C.Mohan
2.Mrs.Arunadevi Mohan ... Petitioners

Vs

1. State rep. by
Inspector of Police,
V-7, Nolambur Police Station,
Chennai - 600 095.
2. L.B.Senthilkumar
3. S.Lakshmi ... Respondents

Prayer:Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent police to give police protection to the petitioners and their property viz., Plot Nos.15A, 15B, 15C, 16A, 16B & 16C, Jeswanth Nagar, Layout comprised in Survey Nos.603/13, 603/16, 603/17, 603/13 & 603/14, Mogapair Village, Ambattur Taluk, Thiruvallur District admeasuring in all about 25,260 Square feet or thereabouts.

For Petitioners: Mr.S.Rajasekar
For Respondents: Mrs.Kritika Kamal.P
Government Advocate (Crl. Side) for R1
: Mr.K.Pradeep Raj for R2 & R3

ORDER

The prayer sought for in the present petition is to direct the respondent police to give police protection to the petitioners and their property viz., Plot Nos.15A, 15B, 15C, 16A, 16B & 16C, Jeswanth Nagar, Layout comprised in Survey Nos.603/13, 603/16, 603/17, 603/13 & 603/14, Mogapair Village, Ambattur Taluk, Thiruvallur District admeasuring in all about 25,260 Square feet.

2. Heard, Mr.S.Rajasekar, learned counsel appearing for the petitioner, Mrs.P.Kritika Kamal, learned Government Advocate (Crl. Side) appearing for the first respondent and Mr.K.Pradeep

Raj, learned counsel appearing for the respondents 2 & 3.

3. On 03.07.2015 the petitioners' herein and respondents 2 and 3 had entered into a registered sale agreement in connection with the property in Plot Nos. 15A, 15B, 15C, 16A, 16B & 16C, Jeswanth Nagar, Layout comprised in Survey Nos.603/13, 603/16, 603/17, 603/13 & 603/14, Mogapair Village, Ambattur Taluk, Thiruvallur District, whereby the parties have agreed to register the same on or before 31.10.2015. The further understanding was that the possession of the property will be handed over to the respondents 2 and 3 at the time of registration of the sale deed along with the title deeds and the balance of sale consideration, at the time of registration of the sale. Admittedly, no suit for specific performance is pending.

4. It is brought to my notice that earlier, the respondents 2 and 3 had filed a suit in O.S.No.318 of 2017 before the District Munsif Court, Ambattur and an order of interim injunction, which came to be granted was subsequently vacated at the instance of the petitioner herein. As on date, there is no injunction infavour of the respondents 2 and 3 herein, in connection with the subject property. While that being so, the respondents 2 and 3 may not have any valid right over the property.

5. The learned Government Advocate (Crl. Side), on instructions submitted that the subject property is in possession with the petitioners herein as on date and she further submitted that, based on the petitioners' complaint, a charge sheet came to be filed in C.C.No.78 of 2018 on the file of the learned Judicial Magistrate, Ambattur.

6. It is submitted by the learned counsel for the petitioners that the petitioners are intending to put up construction in the property and since the respondents 2 and 3 do not have any valid title over the property as on date, they may not be justified in raising any objections to the construction.

7. In view of the fact that the petitioners herein have a valid title and possession of the subject property, it would be appropriate that necessary police protection be extended to them to have a peaceful enjoyment of their property and to put up any sort of construction, if they may so desire.

8. In this background, the petitioners herein are granted liberty to approach the first respondent herein, if they apprehend threat/obstruction from the respondent 2 and 3 while putting up the construction in the subject property. On receipt

of such application, the first respondent shall pass an order, extending police protection to the petitioners herein. Such an exercise shall be completed within a period of two days from the date of receipt of a copy of this order.

With the above observations, the Criminal Original Petition stands allowed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

dh

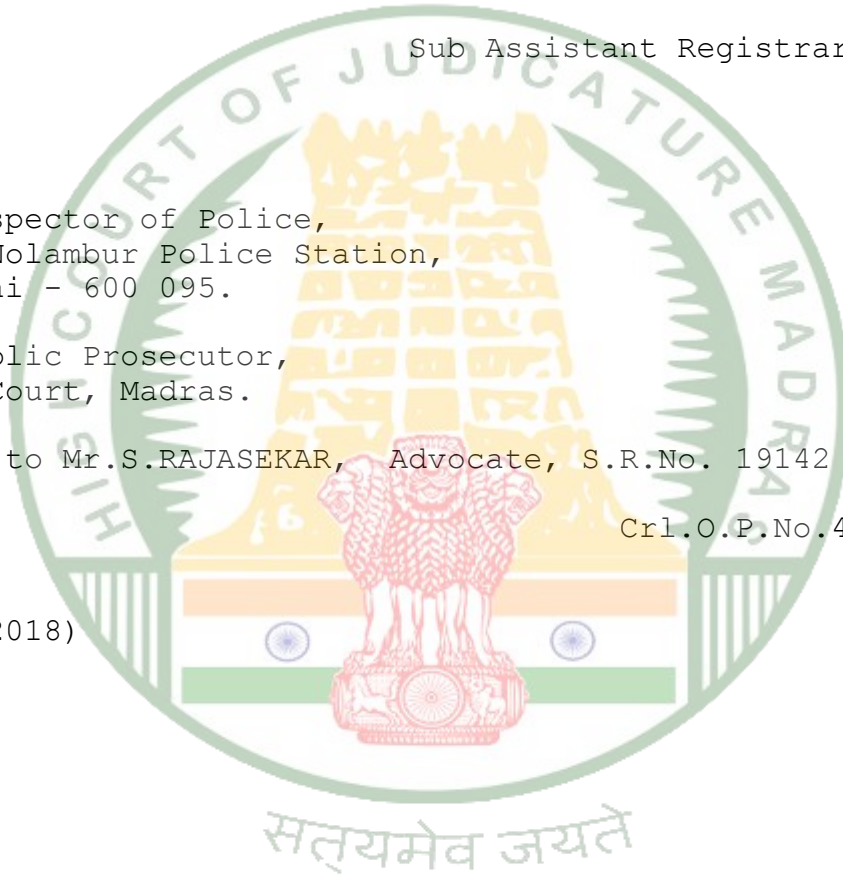
To

1. The Inspector of Police,
V-7, Nolambur Police Station,
Chennai - 600 095.
2. The Public Prosecutor,
High Court, Madras.

+2cc to Mr.S.RAJASEKAR, Advocate, S.R.No. 19142

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RSY(CO)
TR(19/03/2018)



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