

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

CRL.O.P.No.22793 of 2017

Venkateshlu

.. Petitioner

Vs

1. The State rep. by
The Superintendent of Police,
Krishnagiri District.
2. The Inspector of Police,
Shoolagiri Police Station,
Shoolagiri Taluk,
Krishnagiri District.
3. S.M.Ganesan
4. Yaswanth
5. Ravi
6. S.M.Arumugam
7. Kannan
8. Shankaran
9. Srinivasan
10. Krishnan
11. Raja
12. Lakshmi

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the 1st respondent to conduct enquiry and give police protection to the petitioner for fencing his property in S.No.77/5 measuring an extent of Acre 0.54 Cents Shollagiri Village, Shoolagiri Taluk, Krishnagiri District in view of the petitioner complaint dated 20.10.2017.

For Petitioner : Mr.V.Sakkarapani

For Respondents : Mrs.Kritika kamal.P
Government Advocate (Crl.Side)-
For R1 &R2
No Appearance - For R3 to R12

O R D E R

The prayer in the present petition is to to direct the 1st respondent to conduct enquiry and give police protection to the petitioner for fencing his property in S.No.77/5 measuring an extent of Acre 0.54 Cents Shollagiri Village, Shoologiri Taluk, Krishnagiri District in view of the petitioner complaint dated 20.10.2017.

2. Heard Mr. V.Sakkarapani, learned counsel appearing for the petitioner and Mrs. P.Kritika Kamal, learned Government Advocate (Crl.Side) appearing for the Respondents 1 & 2. Though notice was served to the respondents 3 o 12 and the names also printed in the cause list, none appears for the respondents.

3. It is submitted by the learned counsel for the petitioner that in connection with the title of the property, a civil suit came to be filed in O.S. No. 187 of 2007 before the District Munsif Court, Hosur against the respondents 3 to 12 herein, seeking declaration of title over the property in S.No.77/5 measuring an extent of Acre 0.54 Cents Shollagiri Village, Shoologiri Taluk, Krishnagiri District. By a Judgment and Decree dated 31.07.2008, the said suit came to be decreed in favour of the petitioner herein. The appeal in A.S. No. 7 of 2009 filed by the respondents 3 to 7 also came to be dismissed on 27.07.2015. It is further submitted by the learned counsel for the petitioner that the Judgment and Decree has thus become final, whereby the title over the subject property in favour of the petitioner has been confirmed.

4. It is submitted by the learned counsel for the petitioner that the petitioner had given a complaint to the respondent police on 20.10.2017 seeking for protection, wherein, he had made averments that the respondents 3 to 12 herein have been obstructing the petitioner's possession and enjoyment in spite of a Civil Court's Judgment and decree in his favour.

5. It is needless to point out that whenever the representation is made seeking for protection, the respondent police is duty bound to dispose the same one way or the other, instead of keeping it pending indefinitely.

6. In view of the above Judgment of the Civil Court, confirming the title over the subject property infavour of the petitioner, it would be appropriate for the respondent police to extend necessary protection to enable proper execution of the judgment and decree as well as to enable the petitioner to enjoy the subject property peacefully.

7. In the result, the criminal original petition stands allowed. The petitioner is granted liberty to approach the second respondent police with fresh representation, seeking necessary protection. On receipt of the same, the second respondent police shall endeavour to extend necessary protection to enable the petitioner enjoy his possession over the subject property situated in S.No.77/5 measuring an extent of Acre 0.54 Cents Shollagiri Village, Shoolagiri Taluk, Krishnagiri District. Such an exercise shall be completed within two days from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Krishnagiri District.
2. The Inspector of Police,
Shoolagiri Police Station,
Shoolagiri Taluk,
Krishnagiri District.
3. The Public Prosecutor,
High Court, Chennai-104

+1cc to Mr.V.Sakkarapani, Advocate, S.R.No.10145

सत्यमेव जयते

CRL.O.P.No.22793 of 2017

CS/20/02/18

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