

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

Crl.OP.No.21835 of 2018

R.Palanichami

...Petitioner

Vs.

1.The Superintendent of Police,
Dharmapuri District,
Dharmapuri.

2.The Inspector of Police,
Kottapatti Police Station,
Dharmapuri.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the second respondent Police to give Police protection to the petitioner.

For Petitioner : Mr.K.Suresh Babu for
Mr.M.Balaji Senior Counsel

For Respondents : Ms.M.Prabhavathi
Additional Public Prosecutor

ORDER

This petition has been filed to direct the second respondent police to give police protection to the petitioner. The learned Senior Counsel (Mr.K.Suresh Babu) for the petitioner has submitted that the petitioner is having agricultural lands within the jurisdiction of second respondent police station. He further submitted that since the opposite parties had denied the title of the petitioner and also tried to interfere with the peaceful possession, the petitioner has filed a civil suit in O.S.No.315 of 2002 on the file of the District Munisif , Harur and the said suit was decreed on 20.01.2003. He further submitted that even after such a decree, the opposite parties namely Gopala Krishnan, Irusayammal and Dhanapal came to the petitioner's land on 25.07.2018 and threatened the petitioner to vacate the property and hence the petitioner has lodged a complaint before the second respondent, but, the second respondent has not taken any action and hence, the second

respondent may be directed to give police protection to the petitioner.

2. The learned Additional Public Prosecutor has submitted that on receipt of the complaint on 22.08.2018, C.S.R.No.70 of 2018 has been issued and the same is pending for enquiry.

3. Admittedly, the petitioner herein has filed a suit and obtained a decree for declaration of the title and also for permanent injunction against Gopala Krishnan, Irusayammal and Dhanapal and that being so, the petitioner can very well file an execution petition before the Civil Court and while executing the said decree, if police protection is necessary, then he can approach the same Court for directing the Police to give police protection. Instead of doing so, the petitioner cannot approach this Court by filing petition under Section 428. Since alternative remedy is available, this petition is not maintainable.

4. In the result, this petition is dismissed.

Sd/-
Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

vv

To

1.The Superintendent of Police,
Dharmapuri District,
Dharmapuri.

2.The Inspector of Police,
Kottapatti Police Station,
Dharmapuri.

3. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.M.Balaji Advocate sr 62453

Cr1.OP.No.21835 of 2018

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