

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

Crl.OP.No.21872 of 2018

Duraisamy

...Petitioner

Vs.

- 1.The Superintendent of Police,
Ariyalur District,
Ariyalur.
- 2.The Deputy Superintendent of Police,
Jeyankondam Sub Division,
Ariyalur District.
- 3.The Inspector of Police,
Udayarpalayam Police Station,
Udayarpalayam,
Ariyalur District.
- 4.Paramasivam
- 5.Marimuthu
- 6.Ilangovan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the respondents 1 to 3 herein to do their lawful duty as provided under law by providing appropriate and adequate police protection to the petitioner and his family members for peaceful and quite enjoyment of the property relating to old Natham S.No.318/10, new S.No.318/81, measuring an extent of 0.080.0 sq.meter with the residential house thereon and new Natham S.No.318/77, measuring to an extent of 0.0296.0 sq.meter with waste tamping yard situated at Vanathirayanpattinam, Udaiyarpalayam Taluk, Ariyalur District, by taking appropriate action against the respondents 4 to 6 herein who are violating the interim injunction order granted in I.A.No.833 of 2018 in O.S.No.197 of 2018 on the file of the District Munsif Court, Jeyakondam, dated 24.07.2018 and extended to 10.09.2018 committed trespass and various other atrocities.

For Petitioner : Mr.R.Boopathy

For Respondents : Mrs.M.Prabhavathi
Additional Public Prosecutor
for R1 to R3

ORDER

This petition has been filed to direct the respondents 1 to 3 to provide police protection to the petitioner and his family members for peaceful enjoyment of the property situated in old Natham S.No.318/10, new S.No.318/81, measuring to an extent of 0.080.0 sq.meter with the residential house thereon and new Natham S.No.318/77, measuring to an extent of 0.0296.0 sq.meter with waste dumping yard situated at Vanathirayanpattinam, Udaiyarpalayam Taluk, Ariyalur District, by taking appropriate action against the respondents 4 to 6 who are violating the interim injunction order granted in I.A.No.833 of 2018 in O.S.No.197 of 2018 on the file of the District Munsif Court, Jeyankondam, dated 24.04.2018 and extended to 10.09.2018.

2.The learned counsel for the petitioner has submitted that the petitioner is the owner of the aforesaid properties and since the respondents 4 to 6 have attempted to trespass in the above said properties, the petitioner herein has filed a suit in O.S.No.197 of 2018 on the file of the District Munsif Court, Jeyankondam for the relief of permanent injunction and he also filed interim application in I.A.No.833 of 2018 seeking interim injunction. He further submitted that the learned District Munsif, Jeyankondam has also granted ad-interim injunction on 24.07.2018 and subsequently, it was extended till 10.09.2018. He further submitted that even after granting interim injunction, the respondents 4 to 6 are not allowing the petitioner for enjoying his properties and hence the petitioner has submitted a representation before the respondents 1 to 3 seeking police protection, but, they have not provided any police protection.

3.The learned Additional Public Prosecutor who is appearing for the respondents 1 to 3 has submitted that if the respondents 4 to 6 have not obeyed the Civil Court order, the petitioner can very well file a petition before the same Civil Court to punish them and also, if necessary, can file a petition seeking police protection for enforcing the said order and if any such order is passed by the Civil Court, the respondents 1 to 3 will provide police protection.

4.According to the petitioner, he has filed a Civil suit in O.S.No.197 of 2018 against the respondents 4 to 6 and also an application in I.A.No.833 of 2018 and obtained interim injunction against the respondents 4 to 6. His further case is

that the respondents 4 to 6 are not obeying the said order. If the respondents 3 to 6 are not obeying injunction order, the petitioner can very well file an application under Order 39 Rule-2A CPC, to punish them. Apart from that, he can also file an application under Section 151 C.P.C to direct the concerned police to provide police protection to enforce, the Civil Court's Order. When the petitioner is having remedy before the Civil Court itself, it is not open to him to approach this Court by filing a petition under Section 482 of Cr.P.C.

5. For the aforesaid reasons, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vv

To

- 1.The Superintendent of Police,
Ariyalur District,
Ariyalur.
- 2.The Deputy Superintendent of Police,
Jeyankondam Sub Division,
Ariyalur District.
- 3.The Inspector of Police,
Udayarpalayam Police Station,
Udayarpalayam
Ariyalur District.

4. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.A.Saravanan, Advocate sr.no.62918

Cr1.OP.No.21872 of 2018

nr 29/10/2018