

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:20.03.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

CRL.O.P.No.24519 of 2017

P.Mylsamy

..Petitioner

Vs

1.The Superintendent of Police,
Coimbatore District Crime Branch, (Land Grabbing Cell),
Coimbatore - 641 018.

2.The Inspector of Police L & O,
Kinathukadavu Police Station,
Kinathukadavu Taluk, Coimbatore District.

3.K.Ponnusamy
4.K.Rakkiappan
5.P.Murukanandam

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the 1st and 2nd respondents to give police protection to the petitioner and his property comprised in S.f.No.46/A1 and 46/B1 & B2 Pottaiandipurambu Village, Kinathukadavu Taluk, Coimbatore District as per the decree dated 22.12.2006 passed in O.S.No.517 of 1998 on the file of the District Munsif Court, Pollachi and prosecute them in the court of law.

For Petitioner : Mr.R.Kannan

For Respondents 1 & 2 : Mrs.Kritika Kamal,
Government Advocate (Crl. Side)
No Appearance for R3 to R5

O R D E R

This petition has been filed by the petitioner seeking for a direction to the first and second respondents to give police protection to the petitioner and his property comprised in S.f.No.46/A1 and 46/B1 & B2 Pottaiandipurambu Village, Kinathukadavu Taluk, Coimbatore district as per the decree dated 22.12.2006 passed in O.S.No.517 of 1998 on the file of the District Munsif Court, Pollachi

2. Heard Mr.R.Kannan, learned counsel for the petitioner as well as Mrs.P.Kritika Kamal, learned Government Advocate (Crl. side) for the first and second respondents. There is no appearance for the respondents 3 to 5.

3. The petitioner has the benefit of civil suit decree of permanent injunction passed in O.S.No.517 of 1998 dated 22.12.2006 in connection with properties in Survey No.46/B4 and the bore well in Survey No.46/A1 in Pottaiandipurambu Village, Pollachi Taluk, Coimbatore District. In spite of the civil suit decree, it is the petitioner's case that the respondents 3 to 5 are creating obstructions to his peaceful possession and enjoyment. Hence, he had given a complaint to the second respondent on 17.08.2017 seeking for protection. Since the complaint has not been considered, the present Criminal Original Petition has been filed.

4. As pointed out by the learned counsel for the petitioner, the petitioner has the benefit of the decree of permanent injunction in his favour, pertaining to the property comprised in Survey Nos.46/B4 and 46/A1 and as such, the respondents 3 to 5 may not have right to obstruct his peaceful possession. However, the prayer sought for by the petitioner pertains to the property comprised in Survey Nos.46/B1 & B2 also. In this connection, it would be appropriate to permit the petitioner to establish his right over these properties, by way of a representation to the second respondent herein. In my view, this representation can be considered on the ground reality, after giving due opportunities to both the parties.

5. With the above observation, the petitioner is granted liberty to make a fresh representation to the second respondent and on receipt of the same, the second respondent shall conduct proper enquiry, after giving due opportunities to the petitioners as well as the respondents 3 to 5 herein, in the light of the observations made above and pass appropriate orders on its own merits, within a period of four weeks from the date of receipt of a copy of this order. Hence, the Criminal Original Petition stands disposed of.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

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To

1.The District Munsif court,
Pollachi.

2.The Superintendent of Police,
Coimbatore District Crime Branch, (Land Grabbing Cell),
Coimbatore - 641 018.

3.The Inspector of Police L & O,
Kinathukadavu Police Station,
Kinathukadavu Taluk, Coimbatore District.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Kannan, Advocate sr.no.21151

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sj(co)
nr 09/04/2018



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