

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2018
CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

Crl.OP.No. 25255 of 2017

T.Ravikrishnan

.. Petitioner

Vs

1. The Commissioner,
office of the Commissioner of Police,
Sankagiri main Road,
Salem-6.
 2. The Assistant Commissioner,
Office of the Commissioner of Police,
Sankagiri main Road,
Salem - 6.
 3. The Inspector of Police,
Kondalampatti Police Station,
Salem.
 4. The Headmaster,
Government Higher Secondary School,
Kondalampatti, Salem-10
- ..Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.PC, praying to direct the respondents to provide adequate police protection based on the complaint dated 30.08.2017.

For Petitioner : Mr.J.Sudhakaran

For Respondents : Mrs.Kritika kamal.P
Government Advocate (Crl.Side)

ORDER

The prayer sought for in the present petition is to direct the third respondent to provide adequate police protection based on the complaint dated 30.08.2017.

2. The petitioner's right over the property in Survey No.158/2-B Jarikondalampatti village, Salem District, is protected by the Judgement and Decree of the Civil Courts in O.S.No.1647 of 1987 before the District Munsif Court, Salem

which was, confirmed in appeal by a Judgement of this Court in S.A.No.738 of 1999, dated 07.08.2017. It is the grievance of the petitioner that inspite of the Judgement of Civil Court, there is obstruction to his peaceful enjoyment of the property by the fourth respondent herein. Hence, the petitioner had given a representation to the respondent on 13.08.2017. Since no action has been taken on the said representation, the present original petition has been filed seeking for adequate police protection.

3. The learned Government Advocate (Crl. Side) on instructions submitted that as against the judgement in S.A.No.738 of 1999, the fourth respondent has filed a Review petition and the same is claimed to be pending in S.R.No.95333 of 2017 and therefore seeks for further time .

4. Admittedly, the Review petition is neither be taken on file nor are there any interim orders against the Judgement of the Civil Court. Whenever there is a Judgement and decree of the Civil Court protecting the rights and title of any persons or properties and when there is any threat to their peaceful possession or enjoyment of the same, the Police are bound to extend necessary protection for the purpose of effectual implementation of the Judgement and Decree of the Civil Court.

5. Likewise, when a representation is being made seeking for protection, the respondents are duty to bound to dispose of the same, in one way or is the other, rather than keeping the same pending indefinitely.

6. In view of the Judgement of the Civil Court in O.S.No.1647 of 1987 on the file of the District Munsif Court, Salem, as confirmed by this Court in S.A.No.738 of 1999, I am of the view that the third respondent is duty to bound to extend the necessary protection to enable the petitioner to effectually and peacefully enjoy the subject property.

7. In the result, the Criminal Original Petition is allowed. There shall be a direction to the third respondent to extend necessary protection to the petitioner, in order to enable him to peacefully enjoy his property in Survey No.158/2-B, Jarikondalampatti Village, Salem District

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vum

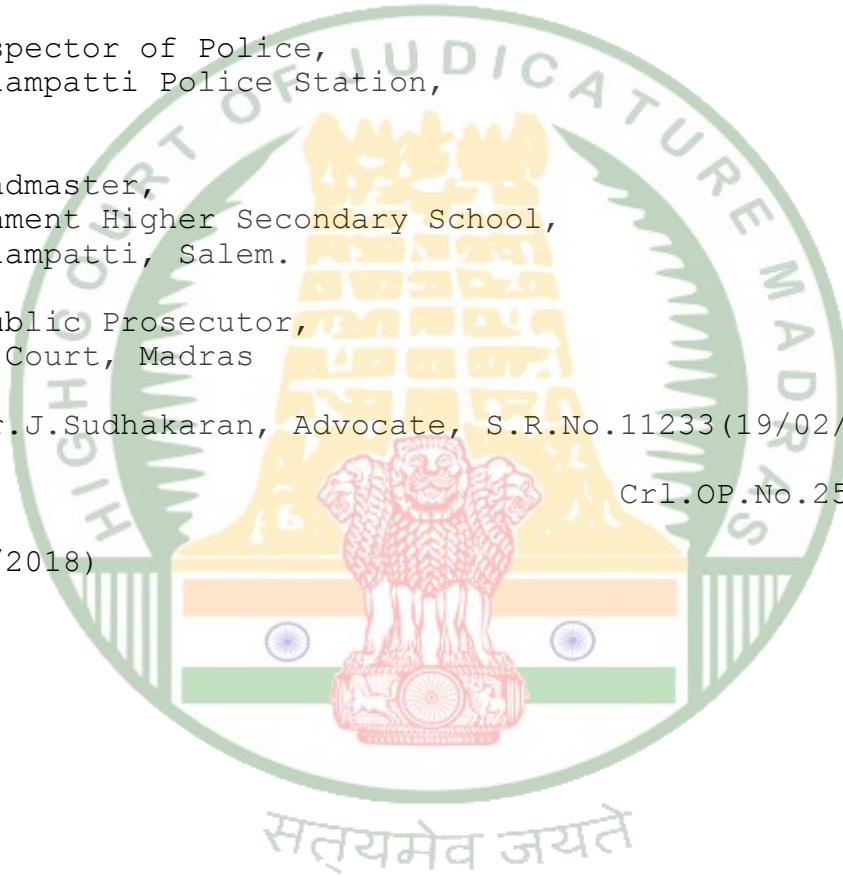
To

1. The Commissioner,
office of the Commissioner of Police,
Sankagiri main Road,
Salem-6.
2. The Assistant Commissioner,
Office of the Commissioner of Police,
Sankagiri main Road,
Salem - 6.
3. The Inspector of Police,
Kondalampatti Police Station,
Salem.
4. The Headmaster,
Government Higher Secondary School,
Kondalampatti, Salem.
5. The Public Prosecutor,
High Court, Madras

+1cc to Mr.J.Sudhakaran, Advocate, S.R.No.11233(19/02/2018)

Cr1.OP.No.25255 of 2017

SSV(CO)
RRK(16/02/2018)



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