

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2018

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

CrI.O.P.No.26061 of 2017

P.Ashok Kumar

.. Petitioner

Vs

1. The Superintendent of police
Tiruvanamalai District,
Tiruvanamalai.

2. The Inspector of police,
Arani Village Police Station,
Arni-632 301.

3. Parameshwari

4. Kala

5. Sekar

6. Parthasarathy

7. Prakash

8. Kamalakannan

(R3 to R8 are impleaded as per
order of this court dated 30.01.18
in CrI.Mp.No.930/2018)

.. Respondents

Prayer: Criminal Original Petition filed under Section 482
Cr.P.C. praying to direct the second respondent herein to give
police protection to the petitioner in view of the
representation dated 21.11.2017

For Petitioner : Mr.S.Marshall

For Respondent 1 & 2 : Mr.P.Kritika Kamal
Government Advocate(HR & CE)

For Respondent 3 to 8 : No Appearance

O R D E R

Heard the learned counsel for the petitioner and the the learned Government Advocate appearing for the respondent.

2. Though notice has been served on the respondents 3 to 8 and their names are printed in the cause list today, none appears on their behalf.

3. It is submitted by the learned counsel for the petitioner that in view of the obstruction caused by the respondents 3 to 8 herein, the petitioner had filed suit in O.S.No.122/2017 before the District Munsif, Arni. The learned District Munsif, Arni by an order dated 04.10.2017, passed in I.A.No.285 of 2017 had granted an order of interim injunction restraining the third respondent herein from disturbing the possession and enjoyment of the property in Survey No.151(in view of S.No.340/35) in District, Munsif Court, Arni. In spite of the interim order, it is submitted by the learned counsel for the petitioner that the respondents 3 to 8 herein are disputing the petitioner's right over the property and hence had given a complaint to the 2nd respondent herein on 21.11.2017, seeking for protection.

4. The learned Government Advocate, on instructions, submitted that the petitioner's complaint was taken on file in Crime No.897/2017 and investigation is pending on the same.

5. When a person's right over the property is protected under orders of the civil Court and when such rights are obstructed by the persons against whom the order was passed, the respondent police are duty bound to extend the necessary protection for the purpose of implementing the orders of the Civil Court. In this background, I am of the view that the petitioner's right over the property needs to be protected by extending police protection.

6. In the result, there shall be a direction to the second respondent herein to extend the necessary protection to the petitioner for the purpose of peaceful possession and enjoyment of the property in Survey No.151(in view of S.No.340/35) and such exercise shall be done within a period of one week from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

at

To

1. The Superintendent of police
Tiruvanamalai District,
Tiruvanamalai.
2. The Inspector of police,
Arani Village Police Station,
Arni-632 301.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Marshall, Advocate, S.R.No.11562

CrI.O.P.No.26061 of 2017

KJI (CO)

RRK(15/03/2018)



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