

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

CRL.O.P.No.2804 of 2018

Sathyamangalam
Cooperative Housing Society Ltd,
AA 718, rep. by its Secretary,
A.Mohammed Rafi, Sathyamangalam-638 401,
Erode District. ..Petitioner

Versus

1.The Superintendent of Police,
Erode District,
Erode - 638 001.

2.The Deputy Superintendent of Police,
Sathyamangalam Sub Division,
Sathyamangalam,
Erode District.

3.The Inspector of Police,
Bungalowpudur Police Station,
Bungalowpudur,
Erode District.

4.K.Nataraj ...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the respondents 1 to 3 to give adequate police aid at the time of taking possession of the property measuring 1515 sq.ft., of lands bearing new S.F.No.8/2 (old S.F.Nos.114 and 115), Chinna Kodiveri Village, Gobichettipalayam Taluk, Erode District which was sold in the public auction held on 29.11.2000, by considering the petitioner's complaint dated 06.12.2017.

For Petitioner : Mr.N.Manokaran

For Respondents : Mrs.P.Kritika Kamal,
Government Advocate (Crl.Side)
(for R1 to R3)

For Respondent : No appearance (for R4)

O R D E R

The prayer sought for in the present petition is to direct the respondents 1 to 3 to give adequate police aid at the time of taking possession of the property measuring 1515 sq.ft., of lands bearing new S.F.No.8/2 old S.F.Nos.114 and 115, Chinna Kodiveri Village, Gobichettipalayam Taluk, Erode District which was sold in the public auction held on 29.11.2000, by considering the petitioner's complaint dated 06.12.2017.

2. The petitioner had purchased the property in new S.F.No.8/2, old S.F.Nos.114 and 115 situated at Chinna Kodiveri Village, Gobichettipalayam Taluk, Erode District, through a public auction, in view of the default committed by the 4th respondent. Even after the public auction, the 4th respondent is squatting premises without any right. In this connection, the petitioner herein had given various representations and complaints to the respondents 1 to 3 and since no action has been taken against the 4th respondent, the present petition has been filed.

3. Though notice has been served on the 4th respondent and his name printed in the cause list, none appears for him. It is rather unfortunate that the petitioner herein, who had legally purchased the said property through a public auction and a valid sales certificate was also issued in his favour, he is unable to enjoy the property.

4. In view of the illegal possession of the erstwhile owner/defaulters, I am unable to comprehend as to how the 3rd respondent herein had not extended the necessary protection inspite of the valid title in favour of the petitioner herein.

5. It is needless to point out that whenever an application is given seeking for police protection, the 3rd respondent Police is duty bound to take decision on the same in one way or the other, rather than keeping it indefinitely pending.

6. In the instance case, the petitioner has approached the respondents Police from the year 2004 onwards and the latest complaint dated 06.12.2017. Hence, it would be appropriate to direct the 3rd respondent to consider the petitioner's representation seeking for Police protection.

7. Accordingly, the 3rd respondent is directed to consider the petitioner's complaint dated 06.12.2017, in the light of the above observations, take appropriate action within a period of two weeks from the date of receipt of a copy of this order.

8. With the above observations, this Criminal Original Petition stands allowed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

klt

To

- 1.The Superintendent of Police,
Erode District,
Erode - 638 001.
- 2.The Deputy Superintendent of Police,
Sathyamangalam Sub Division,
Sathyamangalam,
Erode District.
- 3.The Inspector of Police,
Bungalowpudur Police Station,
Bungalowpudur,
Erode District.
- 4.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.N.Manokaran, Advocate Sr.No.12095

सत्यमेव जयते

CRL.O.P.No.2804 of 2018

VGI (CO)
KP (07/03/2018)

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