

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

CrI.O.P.No.2805 of 2018

Sathyamangalam Cooperative
Housing Society Ltd., AA 718,
Rep.by it secretary, A.Mohammed Rafi,
Sathyamangalam - 638 401,
Erode District. ... Petitioner

Vs.

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,
Sathyamangalam Police Station,
Sathyamangalam,
Erode District.

4.Rama Chellappan ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 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 1292 sq.ft., bearing new S.F. No.337/3 (old S.F.Nos.169/A and 169/B) Sathyamangalam village and Taluk, Erode District which was sold in the public auction held on 14.07.2004, by considering the petitioner's complaint dated 06.12.2017.

For Petitioner : Mr.N.Manokaran

For Respondents 1 & 2 : Mr.Kritika Kamal.P
Government Advocate (CrI.Side)

ORDER

This petition has been filed to direct the respondents 1 to 3 to give adequate police aid at the time of taking possession of the property measuring 1292 sq.ft., bearing new S.F. No.337/3 (old S.F.Nos.169/A and 169/B) Sathyamangalam

village and Taluk, Erode District, which was sold in the public auction held on 14.07.2004, by considering the petitioner's complaint dated 06.12.2017.

2.Heard Mr.N.Manokaran, learned counsel appearing for the petitioner, Mr.Kritika Kamal.P, learned Additional Government Advocate (Crl. Side) appearing for the respondents.

3.The case of the petitioner is that the fourth respondent herein is obstructing the petitioner from taking possession of his property in S.F. No.337/3 (old S.F.Nos.169/A and 169/B) Sathyamangalam village and Taluk, Erode District and hence, he filed the present petition seeking for a direction to the respondent police to extend protection.

4. Today, when the matter was called, the learned Government Advocate (Crl. side) on instructions submitted that the learned District Munsif, Shathyamangalam had granted an order of permanent injunction at the instance of the fourth respondent herein, against one Jayanthi wife of Arumugam, in connection with the same property and as such, the respondent police are unable accept the petitioner's request.

5. The learned counsel for the petitioner, on the other hand submitted that the decree has not been obtained against the petitioner herein and as such, the respondent police may not be justified in refusing to extend the protection.

6.In my view, since there is an order or injunction against the same subject property, it would not be appropriate to clarify the order of civil court in this petition filed under section 482 Cr.P.C. If at all the petitioner is of the view that the injunction may not be enforceable as against the petitioner herein, it is always open to the petitioner to work out his remedies before the appropriate civil court, seeking for necessary reliefs.

7.With the above observations and direction, the Criminal Original Petition stands allowed.

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Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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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,
Sathyamangalam Police Station,
Sathyamangalam,
Erode District.

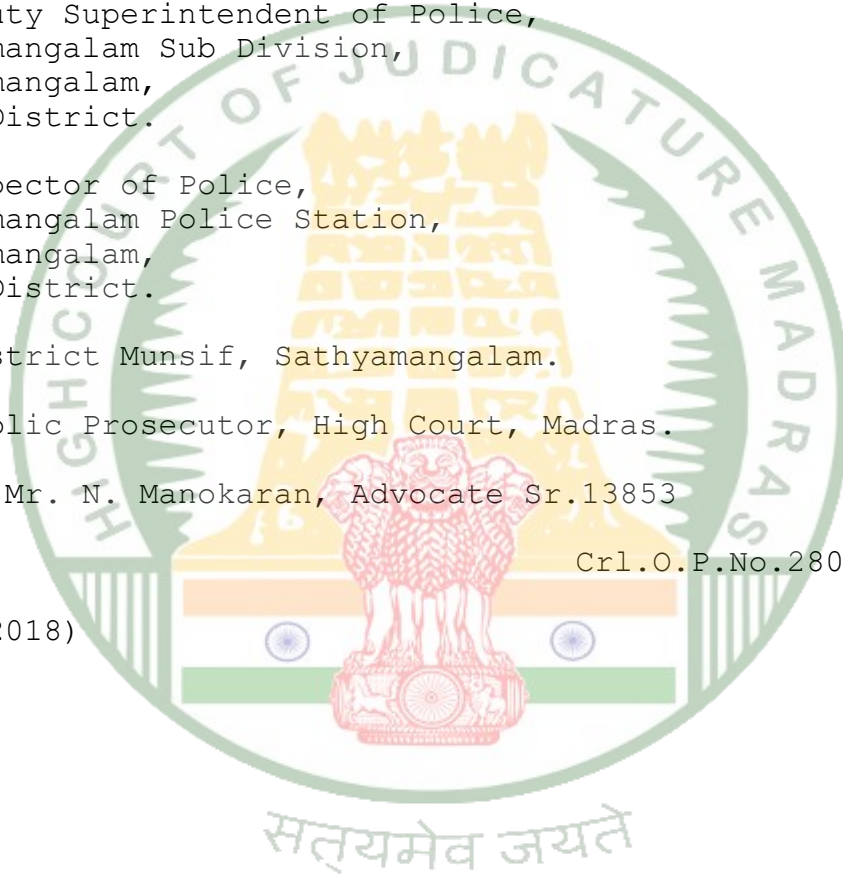
4. The District Munsif, Sathyamangalam.

5. The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr. N. Manokaran, Advocate Sr.13853

Cr1.O.P.No.2805 of 2018

PA(CO)
EU(09/03/2018)



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