

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH
Crl.O.P.No.28271 of 2017

K.Kumaravel

... Petitioner

Vs.

1.The State Represented by
The Superintendent of Police,
Vellore District, Vellore.

2.The Inspector of Police,
Bagayam Police Station,
Vellore District.

3.Chandirasekaran

4.Dayalan

5.Anbu

6.Jayaseelan

7.Vaiyapuri

8.Ramesh

9.Perumal

10.Teekkaraman

11.Pandu

12.Mohanasundaram

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondents 1 & 2 to give police protection to the petitioner to put up compound wall around his land in Government dry Survey No.158/3B1 to an extent of 0.58 cents situated at Allapuram Village, Vellore Town, Taluk & District based upon the representation dated 20.11.2017.

For Petitioner

:

Mr.E.Kannadasan

For RR1 & 2 : Mrs.P.Krithika Kamal
Government Advocate[Cr1. Side]

For RR3 to 12 : No Appearance

ORDER

This Criminal Original Petition is filed to direct the respondents 1 & 2 to give police protection to the petitioner to put up compound wall around his land in Government dry Survey No.158/3B1 to an extent of 0.58 cents situated at Allapuram Village, Vellore Town, Taluk & District based upon the representation dated 20.11.2017.

2. The petitioner claims to be the owner of the property in Survey No. 158/3B1 measuring 0.58 cents in Allapuram Village, Vellore Town, Taluk & District through a sale deed dated 28.12.2012.

3. When the petitioner had put up the compound wall in the said property there were some obstructions from the respondents 3 to 12 herein and hence he had given a complaint on 20.11.2017 to the respondent police to extend protection for the purpose of putting up the compound wall. Since the petitioner's representation was not considered the present Criminal Original Petition has been filed.

4. Though the notice was served on the respondents on 03.02.2012 and their names are printed in the cause list, none appears for respondents 3 to 12.

5. It is seen that earlier when there were obstructions from the private parties, the petitioners had approached the Civil Court and filed a suit in O.S.No.23 of 2016 seeking for a Judgement and decree of declaration of his title over the subject property and for consequential injunctions. By a Judgment and decree dated 29.03.2016, the title of the subject property came to be declared in favour of the petitioner herein and the consequential injunction was also granted. While that being so, the respondents herein may not have any legal right raise obstructions, thereby preventing the petitioner from constructing the wall.

6. In view of the Civil Court decree, the respondent police is duty bound to extent necessary protection . Under the circumstances, the petitioner is granted liberty to approach the second respondent seeking for necessary protection by giving representation. On receipt of the such representation, the second respondent shall extend necessary police protection to enable the petitioner to put up the compound wall in the survery No. 158/3B1 measuring 0.58 cents in Allapuram Village,

Vellore Town, Taluk & District. The second respondent shall consider the same, preferably on the same day.

7. With the above observation, the Criminal Original Petition is allowed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sj1

To

1.The Superintendent of Police,
Vellore District, Vellore.

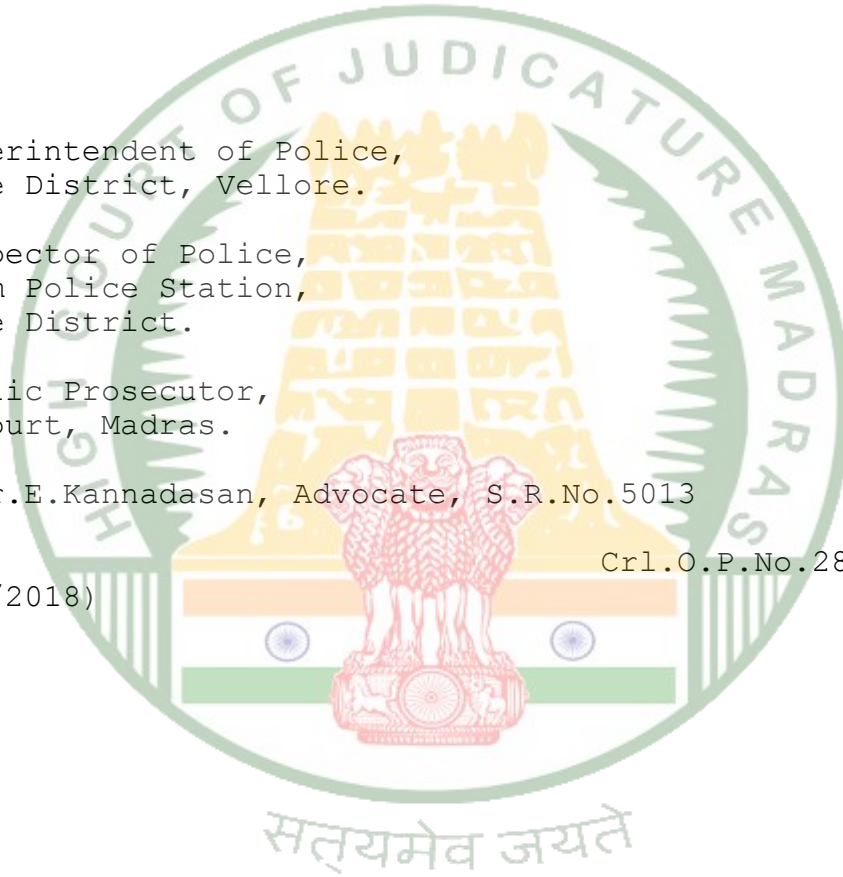
2.The Inspector of Police,
Bagayam Police Station,
Vellore District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.E.Kannadasan, Advocate, S.R.No.5013

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RRK(01/02/2018)



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