

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

CRL.O.P.No.29529 of 2017

D.Prithviraj

..Petitioner

Vs

1. State: Rep by

The Inspector of Police,

T-2, Ambattur Estate Police Station,

Ambattur, Chennai - 600 050.

2. D.Paramanandam

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the first respondent police to give adequate police protection during construction and division process as per the final decree dated 02.02.2017 made in O.S.No.363 of 1989 on the file of Sub-Court, Poonamallee, based on their complaint dated 11.12.2017 within a time frame as may be fixed by this Court.

For Petitioner :M/s.E.Sampathkumar for

M/s.Sampathkumar and Associates

For Respondents :Mrs.Kritika Kamal.P

Government Advocate

(Crl. Side)for R1

O R D E R

The prayer sought for in the present petition is to direct the first respondent police to give adequate police protection during construction and division process as per the final decree dated 02.02.2017 made in O.S.No.363 of 1989 on the file of Sub-Court, Poonamallee, based on their complaint dated 11.12.2017

2. Regarding the dispute in the petitioner's property, a civil suit was filed for partition and the matter went up to the Hon'ble Supreme Court, wherein the decree of the trial Court was confirmed. It is in connection with the decree passed in the trial Court, that the petitioner herein has attempted to measure the property, which was obstructed by the second respondent herein. In view of the decree of the trial Court, which came to be confirmed in the appeals till the Hon'ble Supreme Court, the second respondent may not be justified by raising any objection,

when the petitioner intends to survey or measure the property.

3. In this connection, the petitioner herein had given a representation to the first respondent on 11.12.2017, seeking for protection for the purpose of measuring his property. Since, the representation was not considered, the present Criminal Original Petition has been filed.

4. It is needless to point out that whenever an application is made seeking for police protection, the respondent police are bound to dispose of the same in one way or the other.

5. In view of the various orders passed by the Civil Courts commencing from 18.02.1991 in O.S.No.99 of 1991 and the subject property (S.No.14/17, Mannurpet, Saidapet Taluk, Chennai) has also been de-marked by Advocate Commissioner who was appointed by the Sub -Court, Poonamallee, it would be appropriate to direct the first respondent to extend necessary police protection to the petitioner for the purpose of measuring his property.

6. Consequently, there shall be a direction to the first respondent to extend police protection to the petitioner for the purpose of measuring his lands and de-marking the same. Such a protection shall be granted within a period of two days from the date of receipt of a copy of this order. The first respondent shall also given due an opportunity to the second respondent to be present during the time of measuring the subject property (S.No.14/17 in Mannurpet, Saidapet Taluk, Chennai).

The Criminal Original Petition is ordered accordingly.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

dh

To

1. The Inspector of Police,
T-2, Ambattur Estate Police Station,
Ambattur, Chennai - 600 050.

2. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.Sampath kumar Advocate sr 11567
+1 cc to M/s.N.Mohideen basha Advocate sr 10834

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