

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.O.P.No.19980 of 2018

N.Vasantha

.. Petitioner

Vs

1.The State

Rep. by the Inspector of Police,
B-4 Police Station,
Baluchetty Chatram,
Kancheepuram District.

2.The Deputy Superintendent of Police,
Kancheepuram,
Kancheepuram District.

3.The Superintendent of Police,
Kancheepuram District,
Kancheepuram.

4.Venkatesh

5.Kasi

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct the respondent Police to assist the petitioner to remove the respondents 4 and 5 from the land situated in Survey No.922/2, No.3, Othavadi Street, Musaravakkam Village, Kancheepuram District.

For Petitioner : Mr.K.Sudalaikannu

For R1 to R3 : Mr.C.Raghavan, GA

O R D E R

This Criminal Original Petition has been filed to direct the respondent Police to assist the petitioner to remove the respondents 4 and 5 from the land situated in Survey No.922/2, No.3, Othavadi Street, Musaravakkam Village, Kancheepuram District.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the 1st respondent.

3.It is the case of the petitioner that she had filed an injunction suit in O.S.No.342 of 2000 against respondents 4 and 5 and has obtained an order of permanent injunction in the year 2005. While so, the petitioner has filed the present petition for a direction to the respondent Police to remove respondents 4 and 5 from the premises.

4.In the opinion of this Court, such a direction cannot be issued under Section 482 Cr.P.C. The suit filed by the petitioner is only an injunction suit and not a suit for eviction. That apart, a Division Bench of this Court in Sri La Sri Siva Subramanyananda Swamy Vs Sri La Sri Arunachalaswamy [1993[1] MLJ 274] has held that the Civil Court has got the power to provide Police protection for enforcement of civil Court orders. Hence, this petition is closed with liberty to workout her remedies in the manner known to law.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

gya

To

1.The Inspector of Police,
B-4 Police Station,
Baluchetty Chatram,
Kancheepuram District.

2.The Deputy Superintendent of Police,
Kancheepuram,
Kancheepuram District.

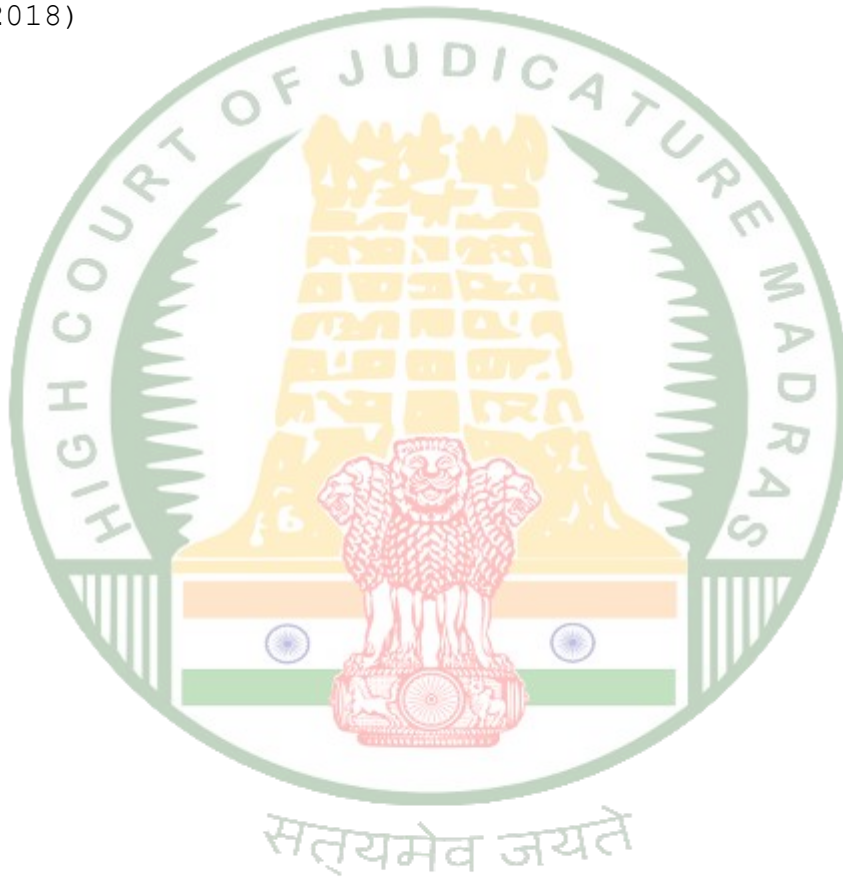
3.The Superintendent of Police,
Kancheepuram District,
Kancheepuram.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Sudalaimannu, Advocate, S.R.No. 56466

Crl.O.P.No.19980 of 2018

vsn ii(CO)
TR(28/08/2018)



WEB COPY