

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.23894 of 2018 and
CrI.M.P.Nos.13532 & 13533 of 2018

K.V.Ramlingham

...Petitioner

Versus

1.The Deputy Inspector General of Police,
West Zone,
Race Course Road,
Coimbatore - 641 018.

2.The Superintendent of Police,
Coimbatore District,
Coimbatore.

3.Kaliyappan

4.S.Prakash

5.Venkatesan,
Inspector of Police,
Kovilpalayam Police Station,
Coimbatore - 107.

6.Arul prakash,
Sub-Inspector of Police,
Kovilpalayam Police Station,
Coimbatore - 107.

7.Thanakodi,
Head Constable of Police,
Kovilpalayam Police Station,
Coimbatore - 107.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st and 2nd respondents to grant Police Protection to the petitioner enabling the petitioner to have peaceful possession over the lands in Survey No.509/2, Keeranatham Village, Annur Taluk, Coimbatore District.

For Petitioner
For R1 & R2

: Mr.R.G.Narendhiran
: Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed seeking for a Police protection to the petitioner to enable the petitioner peaceful possession and enjoyment of the property.

2.The learned counsel for the petitioner would submit that the petitioner is a cultivating tenant and his rights are safeguarded under the Tamil Nadu Agricultural Land Records of Tenancy Rights Act 10 of 1969. One Poovathal has initiated an injunction Suit in O.S.No.2085 of 2008, on the file of the Principal District Munsif Court, Coimbatore against the petitioner and his mother. This Suit was dismissed for Non-Prosecution by the Judgment and Decree dated 06.07.2015. Subsequently, certain persons have fabricated the documents as if the said Poovathal has entered into a sale agreement and had also executed a settlement deed and these persons started interfering with the possession and enjoyment of the property.

3.The learned counsel for the petitioner would submitted that the respondent Nos.5 to 7 are all Police officers and they are misusing their power and they had attempted to encroach upon the property with the help of henchmen and the same was resisted by the petitioner. The learned counsel would submit that the police officers are conducting an illegal enquiry and are attempting to disposes the petitioner.

4.The learned counsel would further submit that the petition filed under the Tamil Nadu Agricultural Land Records of Tenancy Rights Act 10 of 1969 is pending before the Tahsildar, who is the competent authority under the said Act. Therefore, the petitioner left with no other option has filed this petition seeking for Police protection.

5.This Court is not inclined to grant the relief as sought for by the petitioner. The entire dispute is Civil in nature and the parties will have to agitate their rights only before the competent Civil Court. The Police should not interfere in a case of this nature.

6.This Criminal Original Petition is disposed of with a direction to the respondent police not to interfere in the dispute between the parties and the parties shall agitate their rights before the appropriate forum and establish their rights over the property.

7.With the above said direction, this Criminal Original Petition is disposed of and consequently, the connected Miscellaneous Petitions are also closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

vv2

To

1.The Deputy Inspector General of Police,
West Zone,
Race Course Road,
Coimbatore - 641 018.

2.The Superintendent of Police,
Coimbatore District,
Coimbatore.

3.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.R.G.Narendhiran, Advocate sr 79902.

+1 CC to Mr.G.Saravanan, Advocate sr 80093.

Crl.O.P.No.23894 of 2018

VGII(CO)
SP(11/12/2018)

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