

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2018

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.24222 of 2018

E.Feroze Khilji

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Thaiyar Kullam,
Kancheepuram District 631 501.

2.The Deputy Superintendent of Police,
Office of the Superintendent of Police,
Thaiyar Kullam,
Kancheepuram District-631 501.

3.The Inspector of Police,
Kelambakkam Police Station,
Kelambakkam,
Chennai-603 103.

4.Vempuli

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents 1to 3 for providing police protection for fencing the property viz., Plot Nos.54 & 55, Ayyappa Nagar, No.43, Padur Village, comprised in Survey No.356, present comprised in Survey No.356/2, Padur Village.

For Petitioner : Mr.T.Velumani

For Respondents: Mr.M.Mohamed Riyaz

Additional Public Prosecutor for R1 to R3

Mr.D.Murthy for R4

ORDER

This Criminal Original Petition has been filed seeking for police protection to fence the property viz., Plot Nos.54 & 55, Ayyappa Nagar, No.43, Padur Village, comprised in Survey No.356, present comprised in Survey No.356/2, Padur Village.

2.The learned counsel for the petitioner would submit that the petitioner is the absolute owner of the above said property

and when the petitioner attempted to fence the property, the fourth respondent had prevented the same and had tried to trespass into the property. Therefore, the petitioner had given a complaint before the respondent Police seeking for police protection and since no action has been taken, this petition has been filed before this Court seeking police protection.

3.The learned counsel for the petitioner would submit that the fourth respondent does not have any right or title over the property and he cannot obstruct the petitioner from fencing the property. The learned counsel for the petitioner would further submit that the suit filed in O.S.No.39 of 2018, pending on the file of the District Munsif Court, Chenglepet, does not pertain to the property belonging to the petitioner.

4.This Court has carefully considered the submissions of the learned counsel for the petitioner and also the materials placed on record.

5.The specific grievance of the petitioner is that the fourth respondent is claiming right over the property illegally and is attempting to trespass into the property which gives a clear cause of action for the petitioner to file a suit for permanent injunction against the fourth respondent. The petitioner cannot approach the police seeking for police protection. In fact, the police should not be interfering in cases of this nature.

6.In view of the above, this Court is not inclined to grant the relief as sought for by the petitioner and accordingly, this Criminal Original Petition is dismissed with liberty to the petitioner to workout his remedy before the appropriate Civil Court in accordance with law.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police,
Office of the Superintendent of Police,
Thaiyar Kullam,
Kancheepuram District 631 501.

2.The Deputy Superintendent of Police,
Office of the Superintendent of Police,
Thaiyar Kullam,
Kancheepuram District-631 501.

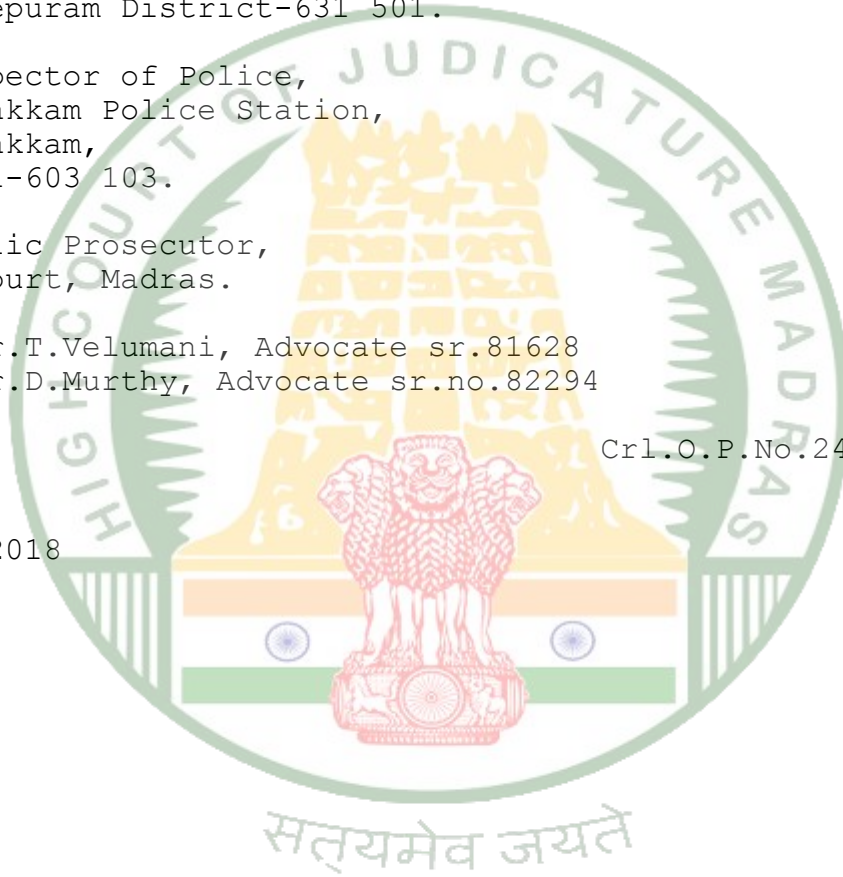
3.The Inspector of Police,
Kelambakkam Police Station,
Kelambakkam,
Chennai-603 103.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.Velumani, Advocate sr.81628
+1cc to Mr.D.Murthy, Advocate sr.no.82294

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