IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2018

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.26701 of 2018

S.Sekar .. Petitioner/Plaintiff

Vs

1.The Inspector of Police,
Royapettah Police Station,
Chennai.

2.The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Royapettah,
Chennai.

3.S.Ganesh Babu

4.G.Sasikala .. Respondents/Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the first respondent to provide police protection to the petitioner for the enforcement of the judgment and decree made in O.S.No.5558 of 2014 by the Hon'ble XI Assistant City Civil Court, Chennai in respect of the suit property, on the representation of the petitioner to the 2nd respondent dated 27.09.2018.

For Petitioner : Mr.V.Pavel

For R1 and R2 : Mr.C.Raghavan
Government Advocate (Crl. Side)
For R1 to R2

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O R D E R

This petition has been filed seeking for police protection to the petitioner.

2. It is seen from the records, that the petitioner has filed a suit against the 3rd and 4th respondents in O.S.No.5558 of 2014 before the XI Assistant City Civil Court, Chennai, seeking for a relief of permanent injunction restraining the respondents 3 and 4 from interfering with the possession and enjoyment of the property.

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3. The suit was contested and the City Civil Court, Chennai, by a judgment and decree dated 14.06.2018, decreed the suit as prayed for in favour of the petitioner. According to the learned counsel for the petitioner, no appeal has been preferred against the judgment and decree. In spite of the judgment and decree passed by the competent Civil Court, Chennai, the respondents 3 and 4 are continuing to cause threat and interfere with the possession and enjoyment of the property of the petitioner. Therefore, the present petition has been filed, seeking for police protection.

4. The learned counsel for the petitioner relied upon the judgment of this Court in Radhika Sri Hari and another reported in 2014 (2) CTC 695, wherein, this Court considered a similar question and held that the police should not insist on a specific Court direction to provide for police protection in all cases, where already, there is already a judgment and decree in favour of the party. This Court also had referred to the relevant Government Order, which was communicated to all the concerned police officers in this regard. This Court specifically held in Paragraph No.7 as follows:

> "7. In the aforesaid circumstances, this Court considers it appropriate to refer to Report of the Committee constituted by the Government in G.O.(3D) No.42, Home dated 30.06.2008 towards review of the system of treating Complaints relating to money and land matters and to suggest a legally acceptable methodology. The Report of such Committee touching upon several issues, was accepted by Government. Having done so, under G.O.Ms.No.1580, Home (Pol.VII) Department, dated 24.11 .2008, the Director General of Police was required to circulate the Report along with the 14 Point Guidelines annexed to such Government Order to Police Officers/Stations for appropriate adherence. Under C.No.43/CRB/CSP/2008 dated 08.12.2008, the Commissioner of Police, Chennai Sub-Urban, has caused communications to all Deputy Commissioners, Assistant Commissioners and Inspector of Police for necessary action. Guideline 11 issued by the Committee reads as follows:
>
> > "11. When Police Protection is sought for the implementation of a Civil Court Order, it should be given readily. Police should not insist on a specific Court direction to give Police Protection"

5. Subsequently, this Court has also passed similar judgments in line with the judgment referred to supra.

6. The present case is squarely covered the above referred judgment. The petitioner is already having a judgment and decree in his favour passed by the competent Court. The

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respondents 3 and 4 cannot take law in to their own hands and they have to necessarily obey the judgment of the Civil Court. If they are aggrieved, they have to workout their remedy by filing an appeal and they cannot try to overcome the judgment, by interfering with the possession and enjoyment of the property.

7. In view of the above, there shall be a direction to the 1st respondent to immediately call respondents 3 and 4 for an enquiry and instruct them about the judgment and decree passed in favour of the petitioner and specifically restrain them from interfering with the possession and enjoyment of the property of the petitioner. If the respondents 3 and 4 continue to interfere, the 1st respondent police is directed to take action in accordance with law.

8. With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

ub/ssr
To

1.The Inspector of Police,
Royapettah Police Station,
Chennai.

2.The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Royapettah,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

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+ 1 cc to M/s. V. Pavel, Advocate Sr.78175

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KJ(CO)
EU(05/12/2018)

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