

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.26754 of 2018

N.Ramasamy

...Petitioner

Vs.

1. The Deputy Commissioner of Police,
Puliyanthope,
Chennai-600 012.

2. The Asst. Commissioner of Police,
M.K.B.Nagar,
Vysarpadi,
Chennai-600 039.

3. The Inspector of Police,
P-6, Police Station,
Kodungaiyur,
Chennai.

4. T.Janakiraman

5. N.Sathasivam

6. M.R.Tamilarasu

....Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, praying to direct the respondents 1 to 3 to give police protection to the petitioner to compound his property in Plot Nos.1 and 5, Tondiarpet High Road, Approved vide D.T.P.No.103/73 and situated at Chennai District, Fort Tondiarpet Taluk, Kodungaiyur Village, Survey No.178/4 ad measuring to an extent of 4620 ½ sq. ft. out of 6537 sq.ft. In view of the petitioner's complaint dated 29.10.2018 by appreciating the above stated facts and circumstances and thus render justice.

For Petitioner : Mr.M.Guruprasad

For Respondent : Mr.C.Raghavan
Govt. Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking for police protection for the petitioner to put up compound wall around his property.

2.It is seen from the records that the fourth respondent has filed a suit before this Court and the same is pending in C.S.No.758 of 2012, seeking for the relief of specific performance and for delivery of possession. This petitioner is the defendant in the said suit.

3.The learned counsel for the petitioner would submit that the fourth respondent who has filed the suit, without any right or authority has created another document in favour of the sixth respondent, who is now creating the problems for the petitioner. The learned counsel would further submit that there is no order in favour of the fourth respondent and therefore, the fourth respondent does not have any right to interfere with the possession and enjoyment of the petitioner and he cannot prevent the petitioner from putting up a compound wall around the property.

3.Admittedly, in this case, there is a suit pending in C.S.No.758 of 2012. The nature of the relief that has been sought for by the petitioner can be sought for in the pending suit itself. The petitioner cannot maintain an independent petition before this Court under Section 482 of Cr.P.C. The petitioner has to necessarily to work out his remedy only in the pending suit.

4.In the result, this Criminal Original Petition is dismissed by giving liberty to the petitioner to work out his remedy in the pending suit in C.S.No.758 of 2012.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Deputy Commissioner of Police,
Puliyanthope,
Chennai-600 012.
2. The Asst. Commissioner of Police,
M.K.B.Nagar,
Vysarpadi,
Chennai-600 039.
3. The Inspector of Police,
P-6, Police Station,
Kodungaiyur,
Chennai.

+1cc to Mr.M.Guruprasad, Advocate sr.no.79034

CRL.O.P.No.26754 of 2018

nr 30/11/2018



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