

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.27352 of 2018

C.Rambeer

... Petitioner

Vs.

1.The State,
Represented by the Deputy Commissioner of Police,
Office of the Commissioner of Police,
Tiruppur.

2.The State,
Represented by the Inspector of Police,
North Police Station,
Tiruppur.

3. Deivathal,
W/o.Ayyasamy

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to issue a direction directing the Respondents Police to provide police protection for the life of the petitioner and his family members in order to construct the house in the vacant site in SF.No.135, in Mannari Village, at Tiruppur Taluk & District based on the petitioner's complaint dated 23.07.2018.

For Petitioner

: Mr.MA.P.Thangavel

For R1 and R2

: Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a police protection.

2. The petitioner entered into an agreement of sale with the 3rd respondent. Since the 3rd respondent did not execute the sale deed, a suit for specific performance was filed in O.S.No.424 of 2007, on the file of the Sub Court, Tiruppur. This suit was decreed by a judgment and decree dated 11.04.2008. Subsequently, a sale deed was also executed through the Court on 26.09.2008, in favour of the petitioner. Subsequently, the petitioner also filed E.P.No.73 of 2008 seeking for the delivery of possession and the possession was also delivered to the petitioner by the Court Amin.

3.The petitioner thereafter attempted to clear the property in order to put up construction in that property. This was resisted by the 3rd respondent along with her grandson. The petitioner gave a complaint to the respondent Police seeking for police protection and since no action has been taken, the present petition has been filed.

4.It is clear from records that the petitioner has got a decree in his favour and a sale deed was also executed in his favour and the property was also delivered in favour of the petitioner by the execution Court by an order

dated 30.12.2008. Therefore, the petitioner has become the absolute owner of the property. The 3rd respondent does not have any right to disturb the possession of the petitioner by taking law into her own hands.

5. The petitioner has also given a complaint in this regard to the respondent police seeking for police protection.

6. This Criminal Original petition is disposed of with a direction to the 2nd respondent to immediately call for an enquiry of the parties and instruct the 3rd respondent or anybody claiming under her, not to disturb the possession of the petitioner. If inspite of the same, there is any obstruction, the 2nd respondent shall take action in accordance with Law. If required, the 2nd respondent is also directed to provide Police protection to the petitioner.

21.01.2019

speaking/non-speaking order

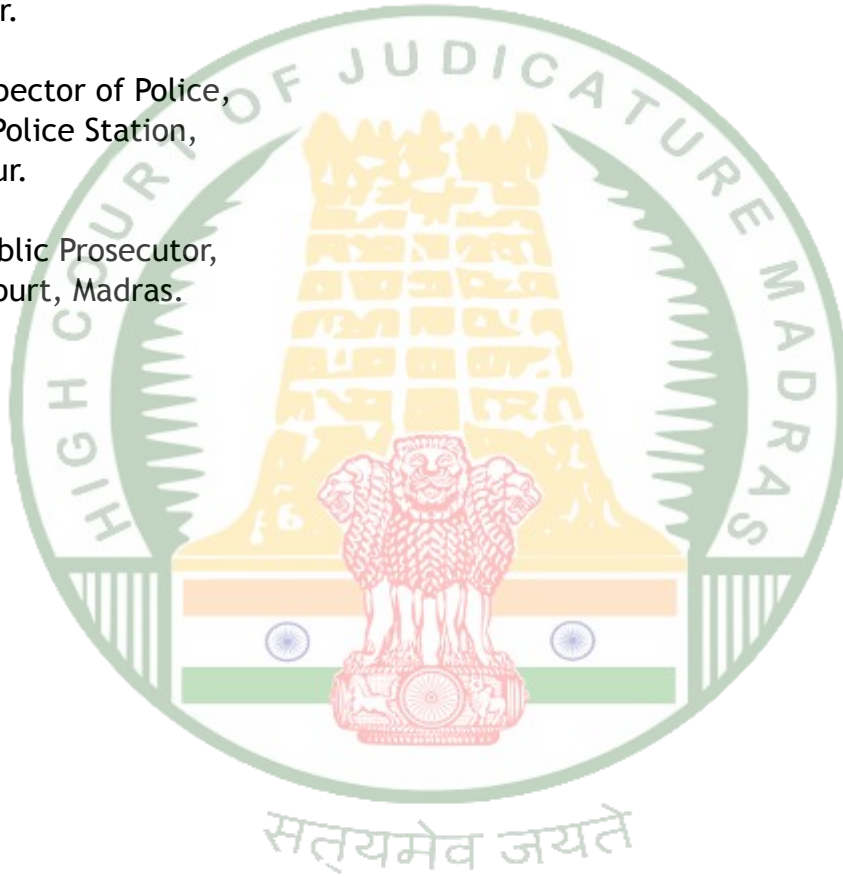
Index : Yes / No

Internet : Yes / No

rri/rm

To

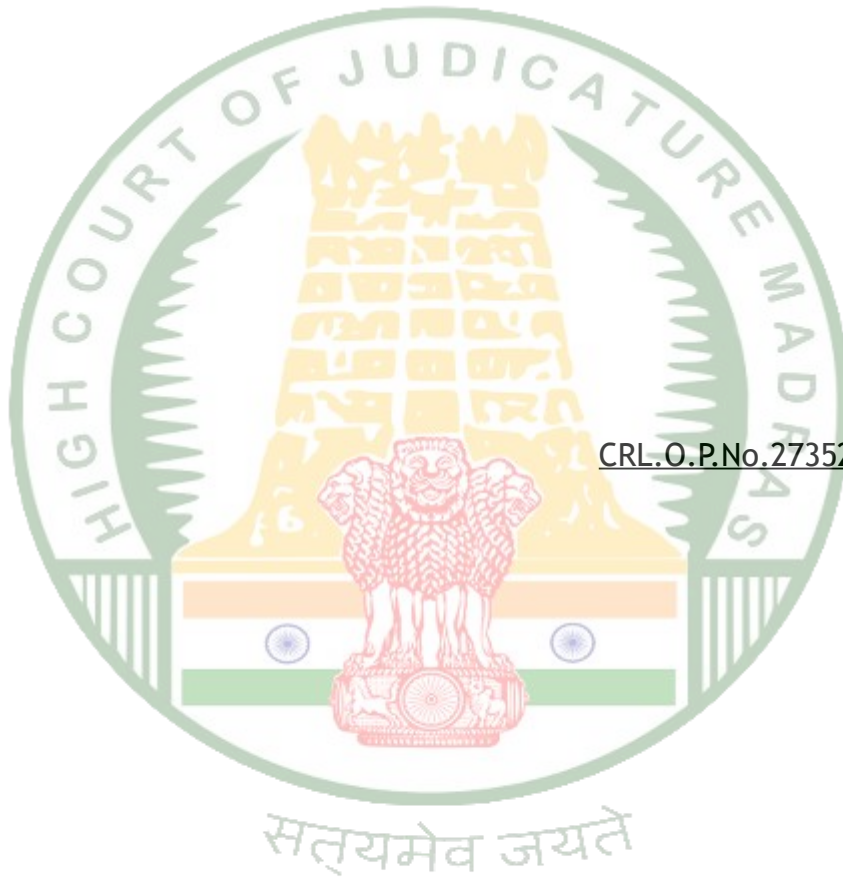
- 1.The Deputy Commissioner of Police,
Office of the Commissioner of Police,
Tiruppur.
- 2.The Inspector of Police,
North Police Station,
Tiruppur.
3. The Public Prosecutor,
High Court, Madras.



WEB COPY

N.ANAND VENKATESH,J.

rri/rm



CRL.O.P.No.27352 of 2018

WEB COPY

21.01.2019