

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2018

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.28322 of 2018

P.C.Mahalingam

...Petitioner

-Vs-

1. The Superintendent of Police,
Villupuram District,
Villupuram.

2. The Inspector of Police,
Chinna Salem Police Station,
Kallakurichi Taluk,
Villupuram District.

3. Arumugam

... Respondents

Prayer:

Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the respondent police herein to give police protection for the petitioner to lay the sewage pipe outlet at the property in S.No.252-1, Chinna Salem, Kallakurichi Taluk, Villupuram District, by considering his representation dated 01.11.2018.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

This criminal original petition has been filed seeking for police protection.

2. The learned counsel for the petitioner would submit that the petitioner had already filed a suit in O.S.No.340 of 2001 against one Viswanatha Muthaliar seeking for permanent injunction. In the said suit, the common lane was also a subject matter in the schedule of property. The learned counsel would submit that the First Additional District Munsif,

Kallakurichi, by Judgment and Decree, dated 30.11.2005, decreed the suit in favour of the petitioner. This Judgment and Decree has already become final.

3. The learned counsel for the petitioner would submit that the petitioner warranted to lay a sewage pipe in the property and when he attempted to lay the pipe, the defendant in the suit again came and prevented the petitioner from laying the pipeline and also caused threat to the petitioner. The petitioner has therefore given a representation to the respondent police, on 01.11.2018, seeking for police protection. Since the same has not been considered, the present petition has been filed seeking for appropriate direction.

4. In the facts and circumstances of the case, the second respondent is directed to call the parties for an enquiry and if the Judgment and Decree passed in favour of the petitioner has become final, the second respondent shall instruct the other party not to interfere with the possession and enjoyment of the petitioner and shall direct the party to workout his remedy before the appropriate Court. If in spite of the same, the other party continues to interfere with the petitioner laying the sewage pipeline, the respondent police shall take appropriate action in accordance with law.

5. This Criminal Original Petition is disposed of with the above directions.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Villupuram District, Villupuram.
2. The Inspector of Police,
Chinna Salem Police Station,
Kallakurichi Taluk, Villupuram District.
3. The Public Prosecutor, High Court, Madras.

+lcc to Mr.R.Jayaprakash, Advocate, S.R.No.84073

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VGI(CO)
CS/26/12/2018