

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2018

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.28370 of 2018

Krishnamurthy

...Petitioner

-Vs-

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

2.The Deputy Superintendent of Police,
Tiruvannamalai,
Tiruvannamalai District.

3.The Inspector of Police,
Mel Chengam Police Station,
Mel Chengam,
Chengam Taluk,
Tiruvannamalai District.

4.Venkatakrishnan

5.Arunachalam

.... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the respondents 1 to 3 to give police protection to the petitioner's life and limb from the accused persons and also to give protection to petitioner's properties.

For Petitioner : Mr.R.Rajarajan

For Respondents: Mr.M.Mohamed Riyaz,
Additional Public Prosecutor,
for R1 To R3

ORDER

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

2. The petitioner was an agreement holder and he filed a suit for specific performance in O.S.No.304 of 1996 before the District Munsif Court, Chengam. The suit was decreed by Judgment and Decree, dated 29.04.2004 and the same was also confirmed in A.S.No.43 of 2004, by judgment and Decree, dated 09.11.2005 and subsequently, the second appeal filed by the other side was also dismissed in the year 2007.

3. The learned counsel for the petitioner would submit that the decree having become final, the petitioner filed E.P.No.118 of 2007 before the execution Court seeking for possession of the property. The Execution Petition was also ordered and the same was also confirmed by this Court in C.R.P.No.3512 of 2007. The delivery was also effected in favour of the petitioner. The other side had given an undertaking before the Hon'ble Supreme Court stating that the property will be handed over to the petitioner on 30.06.2018 and the same was recorded and the Special Leave Petition was also dismissed by order dated 12.03.2018.

4. The learned counsel would submit that in spite of the delivery having been effected and the petitioner having succeeded right through, the other side is continuously causing threat and disturbance to the possession and enjoyment of the petitioner. Therefore, the petitioner had given a representation to the respondent police on 24.08.2018 seeking for police protection. Since the same has not been considered, this petition has been filed seeking for appropriate direction.

5. It is seen from the records that the entire Civil Proceedings have gone in favour of the petitioner. The delivery has also been effected and the Judgment Debtor had also given a specific undertaking before the Hon'ble Supreme Court that the possession to the property will be handed over to the petitioner by 30.06.2018. Under such circumstances, the other side does not have any right thereafter to interfere with the possession and enjoyment of the petitioner. In a case of this nature, the respondent police has to take action against the persons to whom the Civil Court decree has become final and in spite of which, the concerned persons are attempting to take law into their own hands and disturb the possession of the Decree Holder. The facts of this case are squarely covered by the Judgment of this Court in 2014(2) MLJ (Cr1) 203, wherein this Court has categorically held that in a case of this nature, the respondent police has to take action against the concerned persons and also provide police protection if necessary.

6. This Criminal Original Petition is disposed of with a direction to the third respondent police to immediately call the

concerned party and instruct him not to interfere with the possession and enjoyment of the petitioner. If in spite of the same, any interference is made and any threat is caused, the third respondent is directed to take appropriate action against the concerned person in accordance with law. The respondent police shall also consider to give police protection, if the situation so warrants.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rna

To

- 1.The Superintendent of Police,
Tiruvannamalai,
Tiruvannamalai District.
- 2.The Deputy Superintendent of Police,
Tiruvannamalai,
Tiruvannamalai District.
- 3.The Inspector of Police,
Mel Chengam Police Station,
Mel Chengam,
Chengam Taluk,
Tiruvannamalai District.
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Rajarajan, Advocate, S.R.No.83478

Cr1.O.P.No.28370 of 2018

GSP(07/12/2018)

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