



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2018

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P.(MD)No.1477 of 2018

N.Radhakrishnan

... Petitioner

-vs-

1.The Commissioner of Police,
Madurai City, Madurai.

2.The State through by
The Inspector of Police,
South Gate Police Station,
Madurai.

3.Raja Husain

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to issue a direction to the first and second respondent to provide adequate police protection to carry out the work as per the direction granted in I.A.No.628 of 2017 in O.S.No.443 of 2017, on the file of learned District Munsif Court, Madurai Town.

For Petitioner : Mr.Niranjan S.Kumar
For R1 & R2 : Mr.Prabu Ramachandran
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, to direct the first and second respondent to give police protection to carry out the work as per the orders passed by the District Munsif Court, Madurai Town in I.A.No.628 of 2017 in O.S.No.443 of 2017.

2.The learned counsel appearing for the petitioner has submitted that the third respondent was the tenant under the petitioner and the lease period was already over and hence the petitioner has filed RCOP.No.129 of 2015 for eviction. He further submitted that during the pendency of said RCOP, the petitioner has filed a suit in O.S.No.443 of 2017, on the file of the District Munsif Court, Madurai Town and also filed an application in I.A.No.628 of 2017 seeking interim injunction to restrain the third respondent from interfering with the work of deepening the bore well and the learned District Munsif Court, has allowed the said application. He further submitted that in pursuance of the said



order, the petitioner has tried to deepen the bore well, but the third respondent has not allowed him to do that work and hence the petitioner has submitted a petition on 17.01.2018 and 23.01.2018 to the first and second respondents to provide police protection to carry out the work, but, so far no action has been taken.

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3.The learned Government Advocate (Crl.Side) has submitted that considering the fact that already the matter is pending before the Civil Court, petition has been closed on 29.01.2018.

4.Admittedly the petitioner has obtained an interim injunction from the Civil Court. If the third respondent has not obeyed the said order, then it is open to the petitioner to file a petition under Order 39 Rule 2A of Cr.P.C., before the concerned Court and get appropriate remedy.

5.With the aforesaid observations, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
South Gate Police Station,
Madurai.

+1CC to Mr.Niranjana S.Kumar, Advocate, SR.No. 45372

CRL.O.P.(MD)No.1477 of 2018
31.01.2018

SSS

AM/KK/SAR 4/14.02.2018/2P/4C