



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P.(MD)No.2178 of 2018

WEB COPY

Lawrence

... Petitioner

-Vs-

1.The Superintendent of Police,
Kanyakumari District,
at Nagercoil.

2.The Inspector of Police,
Kotticodu Police Station,
Kanyakumari District.

3.Reegan

4.John Christopher

... Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the second respondent to give adequate police protection enabling the petitioner to remove the fallen trees from his property situated in Re.Sy.No.838/836/2 in Mecode Village, Kanyakumari District on the basis of the representation dated 18.01.2018.

For Petitioner

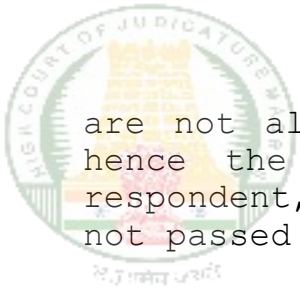
: Mr.K.P.Narayanakumar

For R1 and R2

: Mr.Prabu Ramachandran,
Government Advocate (Crl.Side)O R D E R

This Criminal Original Petition has been filed by the petitioner, to direct the second respondent to provide police protection for removing fallen trees from the petitioner's property.

2.The learned counsel appearing for the petitioner has submitted that the petitioner is the owner of the property, measuring 3.5 acres, situated in Re.Survey No.836/2 and 838, in Mecodu Village. He further submitted that since the respondents 3 and 4 are not allowing the petitioner from using path way, which is running in Re.Survey No.836/2, the petitioner has filed a suit in O.S.No.75 of 2017, on the file of the District Munsif, Padmanabhapuram, and also obtained interim injunction against the respondents 3 and 4. He further submitted that the respondents 3 and 4 also filed suits in O.S.Nos.89 and 95 of 2017 respectively, before the same Court and they also got interim order. He further submitted that now the petitioner is taking efforts to remove the trees from his land, which were fallen, but the respondents 3 and 4



are not allowing to take the trees through the said path way and hence the petitioner has lodged a complaint before the second respondent, seeking police protection, but the second respondent has not passed any order.

3.The learned Government Advocate (Crl. Side) has submitted that after receipt of the petitioner's representation, an enquiry has been conducted and the same has been closed on 21.01.2018, directing the parties to get appropriate remedy from the Civil Court.

4.Admittedly, both the parties filed suits before the learned District Munsif, Padmanabhapuram, and both the parties got interim orders, therefore, the petitioner has to approach the learned District Munsif, Padmanabhapuram, for vacating the interim order, which was granted in the suits filed by the respondents 3 and 4, and thereafter, if police protection is necessary, then he has to file a petition before the same Court.

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

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Kanyakumari District,
at Nagercoil.
- 2.The Inspector of Police,
Kotticodu Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.K.P.Narayanakumar, Advocate SR.No. 49141

CRL.O.P. (MD) No.2178 of 2018
16.02.2018

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JM/SV MMS/SAR 4/19.03.2018/2P/5C

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