



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P.(MD)No.3013 of 2018

D.Balasubramanian

... Petitioner

-Vs-

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

2. The Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District.

3. Durairaj

4. Chellathurai

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct respondents 1 and 2 to provide adequate police protection to the petitioner and his family members for the peaceful enjoyment of the house property situated at door No.56/17, Pasumpon Pillayarkovil Street, Veeravanallur, Tirunelveli District on the basis of the representation, dated 24.01.2018.

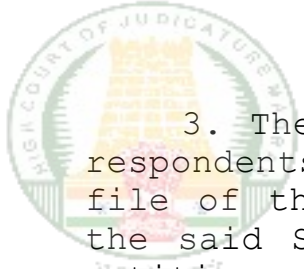
For Petitioner : Mr.M.Sankar

For R-1 & R-2 : Mr.Prabhu Ramachandran,
Government Advocate (Criminal Side)

ORDER

This Criminal Original petition has been filed to direct respondents 1 and 2 to provide adequate police protection to the petitioner and his family members for the peaceful possession and enjoyment of the house property situated at door No.56/17, Pasumpon Pillyarkovil Street, Veeravanallur, Tirunelveli District.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal side) appearing for respondents 1 and 2.



3. The learned counsel for the petitioner has submitted that respondents 3 and 4 have filed a Suit in O.S.No.73 of 2010 on the file of the learned Sub Judge, Ambasamudram, for declaration and the said Suit was decreed in their favour and against which the petitioner herein has filed an Appeal in A.S.No.30 of 2014 on the file of the learned Principal District Judge, Tirunelveli, and the said Appeal was allowed. He has further submitted that against the said Judgment and Decree passed by the lower appellate Court, respondents 3 and 4 have filed a Second Appeal in S.A.(MD)No.441 of 2016 before this Court and the same was dismissed on 29.09.2016, confirming the Judgment and Decree in A.S.No.30 of 2014. He has further submitted that the petitioner is in possession of the house property situated at door No.56/17, Pasumpon Pillyarkovil Street, Veeravanallur, Tirunelveli District, and even after the dismissal of the Second Appeal, respondents 3 and 4 are causing disturbance to the petitioner's possession and enjoyment of the property and hence, the petitioner has filed a complaint on 24.01.2018 seeking police protection and respondents 1 and 2 are not giving police protection.

4. The learned Government Advocate(Criminal Side) has submitted that the complaint from the petitioner has been received by the second respondent on 24.01.2018 and the same is still pending for enquiry.

5. Considering the aforesaid submissions, the second respondent is directed to enquire the matter and enquiry reveals that any cognizable offence and then he has to register the case and to proceed in accordance with law. Further, he is directed to consider the application submitted by the petitioner with regard to providing police protection and to pass appropriate orders.

6. With the aforesaid observation, this petition is disposed of.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

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

2. The Inspector of Police,
Tirunelveli District Police Station,
Tirunelveli District.



3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.M.Sankar, Advocate Sr.No.52260

WEB COPY

PMU

VB/JC/SAR2/22.03.2018/3P/5C

CRL.O.P.(MD) No.3013 of 2018
01.03.2018