



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.[MD].No.13788 of 2017

Velayutham

: Petitioner

Vs.

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

2.The Inspector of Police,
Mathagupatti Police Station,
Sivagangai District.

3.Mary

: Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to direct the second respondent herein to provide necessary police protection, based on the representation dated 08.09.2017 to enable the petitioner herein.

For Petitioner : Mr.V.Murugan
For R-1 and R-2 : Mr.K.Suyambulinga Bharathi
Government Advocate[Cr1. side]

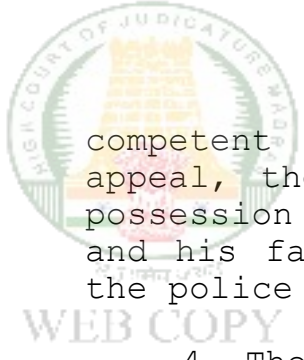
For R-3 : No Appearance

ORDER

The Criminal Original Petition has been filed for a direction to the second respondent to give police protection to the petitioner.

2. It is seen from the records that the petitioner has filed a suit in O.S.No.108 of 2010 before the learned District Munsif Court, Sivagangai for the relief of declaration and permanent injunction against the Government and also one Mary. The said suit was decreed in favour of the petitioner on 16.10.2012. As against the judgment and decree of the trial Court, the said Mary filed an appeal in A.S.No.38 of 2013, before the learned Sub-Court, Sivagangai. The Sub-Court, Sivagangai, by judgment and decree dated 02.02.2015 dismissed the appeal and confirmed the judgment and decree of the trial Court.

3. The learned counsel for the petitioner would submit that inspite of obtaining a decree for declaration and injunction by a



competent Civil Court and the same having been confirmed in the appeal, the above said Mary was continuing to interfere with the possession of the petitioner and is causing threat to the petitioner and his family. Therefore, the learned counsel would submit that the police protection must be provided to the petitioner.

4. The learned Government Advocate on instructions would submit that the representation dated 08.09.2017 made by the petitioner has been received by the respondent police. During enquiry, it is seen that the said Mary had informed the respondent police that she is in the process of filing an appeal.

5. The above said Mary cannot interfere with the possession of the petitioner, in view of the judgment and decree passed in the suit and which was later confirmed in the appeal. The above said Mary can only work out her remedy in accordance with law and she cannot trespass into the property of the petitioner and cause threat to the petitioner. The second respondent is directed to consider the representation dated 08.09.2017 made by the petitioner and provide necessary protection to the petitioner and his family.

6. With the above direction, the criminal original petition is disposed of.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS IV)

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To

- 1.The Superintendent of Police,
Sivagangai District, Sivagangai.
- 2.The Inspector of Police,
Mathagupatti Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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