



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.(MD)No.16312 of 2018

1.Hariram Sait
2.Pushpam

.. Petitioners

-Vs-

1. The Inspector of Police,
Mukoodal Police Station,
Seranmahadevi Taluk,
Thirunelveli District.

2. Banumathi

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the 2nd respondent to give adequate police protection to the life and limb of the petitioner as well as his family members on the basis of his complaint to the 1st and 2nd respondents dated 02.09.2018.

For Petitioners	: Mr.P.Subbaraj
For Respondent	: Mr.M.Chandra Sekkaran for R1 Additional Public Prosecutor

ORDER

It is seen from the records that the second respondent had filed a suit for permanent injunction against the petitioners in O.S.No.77 of 2003. The said suit was dismissed by judgment and decree, dated 03.04.2007. Aggrieved by the same the second respondent filed an appeal in A.S.No.33 of 2007 and the same was allowed by judgment and decree, dated 21.06.2010. As against the same, the petitioners filed S.A.(MD)No.17 of 2014 before this Court. This Court by the judgment, dated 02.08.2017 allowed, the Second Appeal, thereby the right of the petitioners to use the pathway has been upheld by this Court.

2.Subsequent, to the judgment of this Court, the second respondent seems to be interfering with the enjoyment of the property by the petitioners and has also caused threat to the life and limb of the petitioners. Therefore, the petitioners has given a representation before the first respondent on 02.09.2018. The



respondent police also received the said complaint.

3. In view of the judgment passed by this Court, which was in favour of the petitioners, the second respondent cannot interfere with the usage of the pathway by the petitioners. The first respondent is directed to call the parties and give appropriate directions. If inspite of the same, the second respondent continues to interfere with the petitioner's right, appropriate action may be taken against her in accordance with law and if required police protection may also be granted to the petitioners.

4. Accordingly, this Criminal Original Petition is disposed of with the above direction.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The Inspector of Police,
Mukoodal Police Station,
Seranmahadevi Taluk,
Thirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.P.SUBBARAJ, ADVOCATE IN SR No. 84102

TM

TE/PM/SAR-3 : 08/10/2018 : 2P/4C

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