

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2019

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Cr1.O.P.No.888 of 2019

G.Natarajan

... Petitioner

Vs.

1.The Inspector of Police,
Killai Police Station,
Cuddalore District.

2. K.Pannerselvam

.... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the 1st respondent to give police protection for conduct survey and fencing the land based on the petitioner's complaint dated 10.12.2018.

For Petitioner : Mr.K.T.S.Sivakumar

For R1 : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor.

O R D E R

This criminal original petition has been filed seeking for police protection to conduct survey and to fence the property.

2. The petitioner has entered into an agreement of sale with the second respondent. Subsequently, a suit for specific performance has been filed in O.S.No.62 of 2011 and the same was decreed by judgment and decree dated 30.11.2011. Subsequently, a sale deed was also executed in favour of the petitioner by the Court in E.P.No.275 of 2015. Thereafter, the Court also appointed a bailiff in order to take possession of the property and hand over to the petitioner. When the bailiff attempted to give possession of the property to the petitioner, the second respondent had attempted to prevent the same and had indulged in criminal activities resulting in registration of FIR in Crime No.72 of 2018, for the offences under Section 294(b), 341, 427, 353 and 506(ii) of IPC. This FIR is pending against the second respondent. In the mean time, delivery was also effected in favour of the petitioner on 16.04.2018.

3. The petitioner thereafter, wanted to fence the property. This was again prevented by the second respondent. Therefore, the complaint was given by the petitioner to the first respondent. Since, no action has been taken on the complaint, present petition has been filed seeking for police protection.

4. In view of the above said facts and circumstances, the second respondent should not be permitted to take law into his own hands. Now, that the decree of the Civil Court has become final and the property has already been delivered to the petitioner, the second respondent has no right to prevent the petitioner from fencing his property. The second respondent instead of working out his remedy before the appropriate Court, seems to be using force to prevent the petitioner from enjoying the property.

5. This Criminal Original Petition is disposed of with a direction to the first respondent to give police protection to the petitioner to conduct the survey and fence the property. If any obstruction is made by the second respondent, appropriate action may be taken against him in accordance with law.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

rpl/ay

To

1.The Inspector of Police,
Killai Police Station,
Cuddalore District.

2. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.K.T.S.Sivakumar, Advocate sr 2800.

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VGI (CO)
SP(04/02/2019)