

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2019

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.1585 of 2019

1. Panjalai
2. Valli @ Valliyammal ... Petitioners

Vs.

1. The Inspector of Police
Singarapettai Police Station,
Krishnagiri District.
2. Krishnan
3. Raja
4. Lakshmi
5. Amudha
6. Kannan
7. Seenu

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C to direct the 1st respondent police to provide necessary Police Protection to the petitioners to deepen the Well situated in the petitioners property in Survey No.71/2A in Kommampattu Village, Uthangarai Taluk, Krishnagiri District.

For Petitioners : Mr.S.Sathish Rajan
For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for police protection.

2. The petitioners have claimed to be absolute owners of the property. The first petitioner along with her vendor filed a suit in O.S.No.412 of 1996 against the second and third respondents and their father before the District Munsif cum Judicial Magistrate, Uthangarai, praying for the relief of declaration of title and permanent injunction. This suit was dismissed. The first petitioner and her vendor filed an appeal in A.S.No.30 of 2002, before the Principal District Court, Krishnagiri. This appeal was allowed by Judgment and decree dated 28.11.2003. Thereby, the suit was decreed as prayed for. A portion of the property was thereafter purchased by the second petitioner.

3. The grievance of the petitioners is that respondents 2 to 7 are preventing the petitioners and their workers from

deepening the well and are causing threat to the petitioners. Therefore, the complaint was given to the first respondent and the first respondent has issued a receipt in CSR.No.206 of 2018. Since no action has been taken, the present petition has been filed seeking for police protection.

4. The petitioners have already succeeded before the Competent Court and the rival party do not have any right to interfere with the possession of the property and they have to necessarily work out their rights only in accordance with law and they cannot take law into their own hands.

5. The facts of the case is squarely covered by the judgment of this Court in Radhika Sri Hari and another vs. Commissioner of Police, Coimbatore City, Coimbatore reported in 2014 (2) CTC 695,

6. This Criminal Original Petition is disposed of, with the direction to the first respondent to call the parties for enquiry and instruct respondents 2 to 7 not to disturb the possession of the petitioners. If the respondents 2 to 7 continue to disturb the possession of the petitioners and cause threat to the petitioners, appropriate action may be taken against them by the first respondent in accordance with law. If required, the first respondent shall also provide police protection to the petitioners.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

msrm/vsa

To

1. The Inspector of Police
Singarapettai Police Station,
Krishnagiri District.

2. The Additional Public Prosecutor
High Court of Madras,
Madras.

+1 CC to Mr.S.Sathish Rajan, Advocate sr 5314.

Cr1.O.P.No.1585 of 2019

SP(13/02/2019)