

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.5929 of 2016

Kalimuthu

... Petitioner

Vs.

State by :

1.Inspector of Police,
Veeraganur Police Station,
Salem District.

2.Kondi

...Respondents

(The 2nd Respondent is impleaded
as per order of this Court dated 2.8.2016 in
Crl.MP.No.4274 of 2016)

PRAYER: Criminal Original Petition filed under Section
482 of Cr.P.C., to direct the respondent to give
protection to the petitioner and his family members on
their agricultural land in Survey No.130/1 and 130/30 at
Veeraganur Village.

For Petitioner : Mr.R.Asaithambi

For Respondents : C.Raghavan for R1
Government Advocate (Crl. Side)

Mr.S.Kamadevan for R2

O R D E R

The Criminal Original Petition has been filed
to direct the respondent to give protection to the
petitioner and his family members on their agricultural
land in Survey No.130/1 and 130/30 at Veeraganur Village.

2.The learned counsel for the petitioner submitted
that the petitioner and his family members are the owners
of the agricultural land in his Village in Survey
No.130/1 to an extent of 56 cents and in Survey No.130/30

to an extent of 20 cents. It is petitioner's ancestral properties. The petitioners and others filed a civil suit against one Mr.Kondi in O.S.No.372 of 1984 and prayed for declaration of their title and permanent injunction against the said Kondi, the suit was decreed partly. The said Kondi filed a civil suit in O.S.No.425 of 1988 against the petitioner and others based on an unregistered sale agreement also decreed. Against the decree and judgments of both the suits, the petitioner and others filed an appeal in A.S.No.52 of 1997 and A.S.No.54 of 1997 before the Sub-Court at Attur.

3.The learned counsel for the petitioner further submitted that the learned Sub-Judge agreed the contention of the petitioner's side and decreed the suit filed by the petitioner and others in O.S.No.372 of 1984 with cost throughout and dismissed the suit in O.S.No.425 of 1988 filed by the said Kondi with cost throughout. Against the decree and judgments, the respondent therein, filed appeals in S.A.No.795 of 1999 and S.A.No.1057 of 1999 in this Court and both the appeals were dismissed by this Court and the possession of the suit properties by the petitioner and his family members were confirmed. Against the judgments of this Court, the respondent therein, filed SLP Nos.34035 and 34036 in the Hon'ble Supreme Court and the same was also dismissed on 21.10.2013. Now, said Kondi has filed a suit in O.S.No.59 of 2014 before the District Munsif Court at Attur against the petitioner and others claimed adverse possession over the same suit properties. The petitioner also filed I.A.No.756 of 2014 in the suit and prayed to reject the plaint in O.S.No.59 of 2014 and it is pending before the Court.

4.Heard, Mr.R.Asaithambi, learned counsel appearing for the petitioner and C.Raghavan, learned Government Advocate (Criminal Side) appearing for the first respondent and Mr.S.Kamadevan, learned counsel appearing for the second respondent perused the materials available on record.

5.It is seen from the records that almost three years have been lapsed and hence, due to the lapse of period, the prayer sought for by the petitioner cannot be granted now. However, the petitioner is at liberty to file a fresh petition, on fresh cause of action, if so advised.

6.With the above observation, this Criminal Original Petition is disposed of.

Sd/-
Deputy Registrar(CJ conf)

//True Copy//

Sub Assistant Registrar

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To

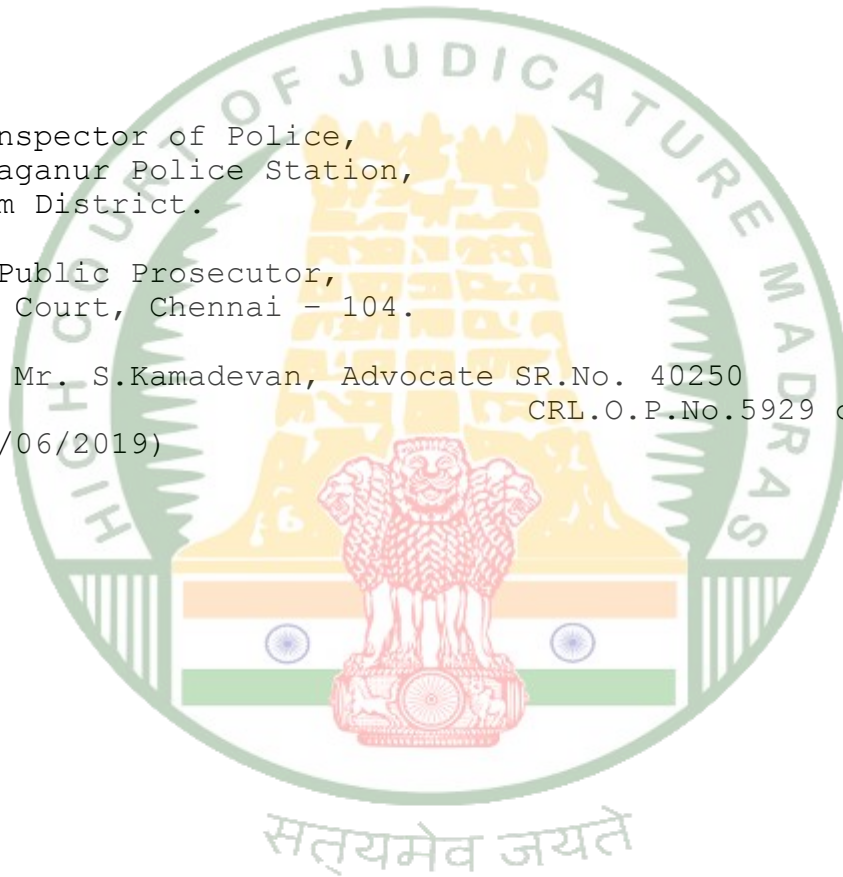
1.The Inspector of Police,
Veeraganur Police Station,
Salem District.

2. The Public Prosecutor,
High Court, Chennai - 104.

+1cc to Mr. S.Kamadevan, Advocate SR.No. 40250

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A.SK(10/06/2019)



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