

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**Crl.O.P.No.5489 of 2019

1.S.Rajendran

2.S.R.Mahesh

.. Petitioners

Vs.

1.The State of Tamil Nadu
Rep. by Superintendent of Police,
Salem District, Salem.2.The State of Tamil Nadu,
Rep. by Deputy Superintendent of Police,
Mettur Taluk, Salem District.3.The State of Tamil Nadu,
Rep. by Inspector of Police,
Mettur Police Station,
Mettur, Salem District.

.. Respondents

Prayer :- Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents to give necessary police protection to the petitioners in order to enable them to peacefully enjoy their property and to construct compound wall in S.No.18/6C and 18/3B totally to an extent of 30 cents in Navapatti Village, Mettur Taluk, Salem District.

For Petitioner : Mr.J.Ramakrishnan
For Respondents: Mr.C.Raghavan
Government Advocate (Crl.side)

ORDER

This petition has been filed seeking police protection to the petitioners to construct compound wall.

2. It is seen from records that the petitioners have already filed appeal suits in A.S.Nos.27 of 2002 and 97 of 2002 before the District Court, Salem, and the same was decreed in favour of the petitioners.

3. The learned counsel for the petitioners would submit that inspite of obtaining decree in favour of the petitioners, when the petitioners tried to construct a compound wall, the accused persons are continuously interfering the possession and enjoyment of the petitioner and also causing threat to the petitioner. Therefore, the petitioner gave a complaint to the respondent police seeking for police protection. Since the same was not considered, this petition has been filed seeking for appropriate direction.

4. Heard Mr.J.Ramakrishnan, learned Counsel for the petitioners and Mr.C.Raghavan, learned Government Advocate (Crl.side) for the respondent police.

5. In view of the above said facts and circumstances and that the decree of the Civil Court has become final and the property has already been delivered to the petitioners, the accused persons has no right to prevent the petitioner from fencing his property. The accused persons instead of working out their remedy before the appropriate Court, seems to be using force to prevent the petitioners from enjoying the property.

5.This Criminal Original Petition is disposed of with a direction to the third respondent to give police protection to the petitioners to construct compound wall in their property. If any obstruction is made by the accused persons, appropriate action may be taken against them in accordance with law.

07.03.2019

Internet:Yes
Index:Yes/No
Speaking/Non speaking order

rm

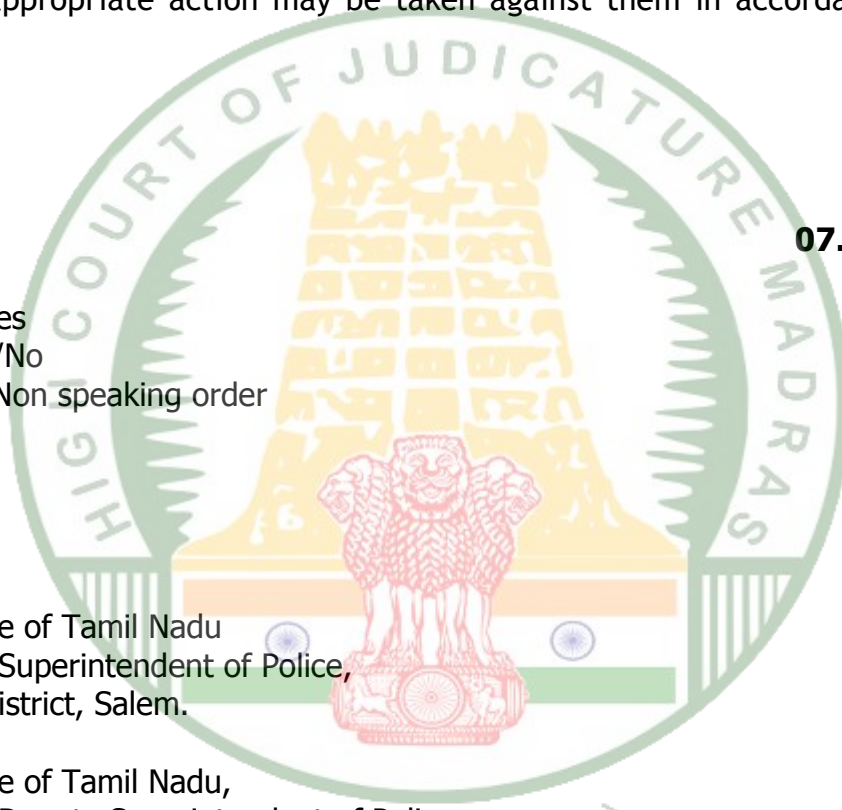
To

1.The State of Tamil Nadu
Rep. by Superintendent of Police,
Salem District, Salem.

2.The State of Tamil Nadu,
Rep. by Deputy Superintendent of Police,
Mettur Taluk, Salem District.

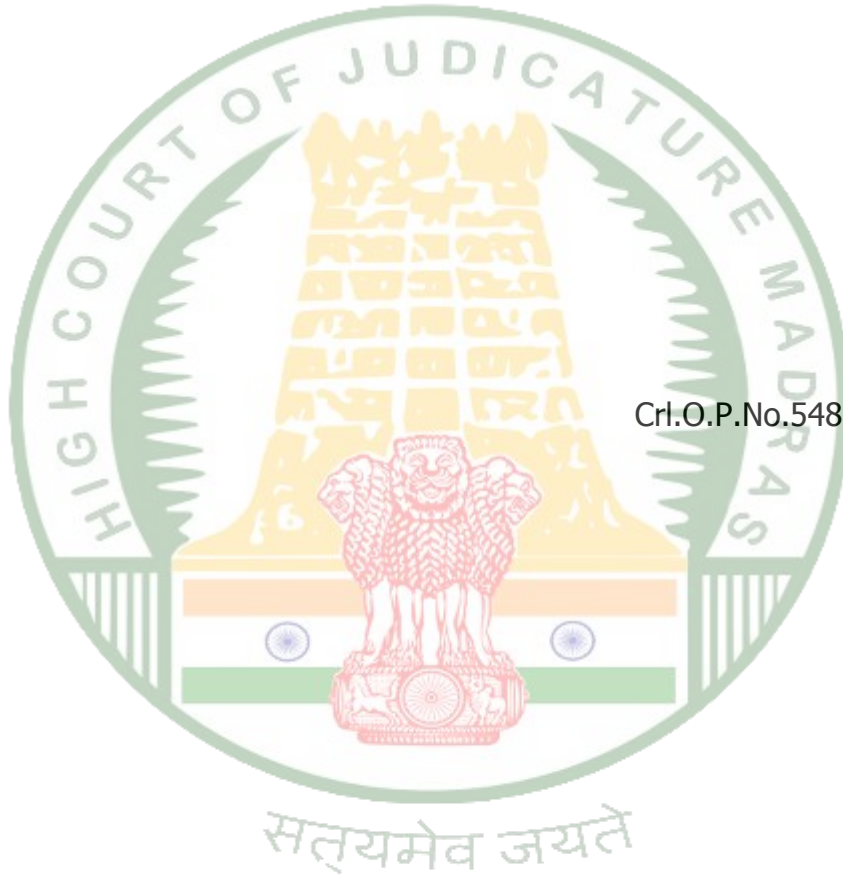
3.The State of Tamil Nadu,
Rep. by Inspector of Police,
Mettur Police Station,
Mettur, Salem District.

4.The Public Prosecutor,
High Court, Madras.



G.K.ILANTHIRAIYAN. J,

rm



Crl.O.P.No.5489 of 2019

WEB COPY

01.03.2019