

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.7286,7287,7292,7294 of 2019

	...Petitioners in
M.Adhilakshmi,	...Crl.O.P.No.7286 of 2019
P.Rani,	...Crl.O.P.No.7287 of 2019
lakshmi,	...Crl.O.P.No.7292 of 2019
Jothilakshmi.	...Crl.O.P.No.7294 of 2019

Vs.

1.The Commissioner of Police,
Chennai City Police,
Office of the Commissioner of Police,
Vepery, Chennai-600 007.

2.The Inspector of Police,
S-12, Chitlapakkam Police Station,
Chennai- 600 064.

.. Respondents
in all Crl.O.P.s.

Common Prayer :- Criminal Original Petitions filed under Section 482 Cr.P.C. to direct the 2nd respondent to give protection to the petitioners and their family as they construct their house.

(in all Crl.O.Ps.)

For Petitioners :Mr.T.A.Narendar

For Respondents :Mr.M.Mohammed Riyaz

Additional Public Prosecutor.

सत्यमेव जयते
O R D E R

These petitions have been filed seeking police protection to the petitioners and their family members to construct their house.

2.It is seen from records that the petitioners have filed a suit for permanent injunction as against the Southern Railway (Central) Madras and the said suit was also decreed in favour of the petitioners, by an order dated 15.10.1998. Therefore, the defendant viz., the Southern Railway (Central) Madras, filed an appeal in A.S.No.1 of 2018 before the learned Subordinate Judge, Tambaram, which was dismissed by an order dated 23.04.2009. Now, on the basis of suit decree, the petitioners are seeking

police protection to construct a house in their place.

3.The learned Additional Public Prosecutor submitted that the property belongs to Southern Railway and the petitioners are regular encroachers.

4.Admittedly, the suit is not for a declaration of title. Whether the property belong to the petitioners or not is in question. However, the learned Additional Public prosecutor submitted that the property belongs to Southern Railway and as such the petitioners are encroachers.

5. In view of the above said facts and circumstances and also that based on the decree of injunction, police protection cannot be granted to the petitioners to construct a house in the disputed property. Accordingly, these Criminal Original Petitions stand dismissed. However, the petitioners are always at liberty to work out their remedy before the appropriate Court and if the petitioners prove their title in respect of the property, their request for police protection can be considered.

-s/d-

Assistant Registrar (CS-I)

True Copy

Sub-Assistant Registrar

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To

1.The Commissioner of Police,
Chennai City Police,
Office of the Commissioner of Police,
Vepery, Chennai-600 007.

2.The Inspector of Police,
S-12, Chitlapakkam Police Station,
Chennai- 600 064.

3.The Public Prosecutor,
High Court, Madras.

+4 CCS to Mr.T.A.Narendar, Advocate sr 26655 to 26658.

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CP(CO)
SP(12/04/2019)