

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.17703 of 2018

1.N.Chandrababu

2.N.Sivakumar

.. Petitioners

Vs.

The Sub Inspector of Police,
Pullarambakkam Police Station,
Tiruvallur District.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent to give protection to the life of the petitioners and their property.

For Petitioner : Mr.R.Sureshkumar

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This criminal original petition has been filed seeking for police protection to dig and clean their agricultural land.

2.The petitioners are the cultivating tenants under one T.M.Vijaya kumar and T.M.Jayakumar of the land comprised in Dry Survey No.78/1A, New Survey No.78/1A2, measuring to an extent of 5 acres, situated at Siruvanoor Kandigai Village, Thiruvallur Taluk and District. While so the said T.M.Vijaya Kumar and T.M.Jaya Kumar died during 1st week of February 2010 and the tenants continue to cultivate in the said land. While so, when some layout promoters tried to trespass into the land. Hence, the petitioners filed a suit for permanent injunction against the layout promoters and builders and the same was decreed in favour of the petitioners on 26.03.2018. Thereafter, on 25.06.2018, when the tenants/petitioners were cleaning the agricultural land, which was in their possession with JCB, the accused persons restrained them from carrying on cleaning works and also threatened them with dire consequences. Hence, the petitioners made a complaint against the accused persons and

CSR.No.165 of 2018 was also issued by the respondent police. Since no action was taken as against the accused persons, the petitioners are before this Court with the above said prayer.

3.The learned Additional Public Prosecutor submitted that it is purely a civil dispute and a civil suit is also pending before the Civil Court. He further submitted that C.S.R.No.165 of 2018 is still pending.

4.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent.

5. In view of the above said facts and circumstances and also that the decree of the Civil Court has become final and the accused persons were restrained in any manner interfering with the petitioner's peaceful possession and enjoyment of the suit property as cultivating tenants, the accused persons has no right to trespass or interfere with the possession of the petitioners. 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.

6. This Criminal Original Petition is disposed of with a direction to the respondent to give police protection to the petitioners to clean the land, which is in their possession. If any obstruction is made by any of the accused persons,, appropriate action may be taken against them in accordance with law.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Sub Inspector of Police,
Pullarambakkam Police Station,
Tiruvallur District.

2.The Public Prosecutor
High Court, Madras.

+2CCs to Mr.R.Suresh Kumar, Advocate, S.R.No.11678 &11453

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KAK(22/02/2019)