

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.18563 of 2018

Kalaimani

...Petitioner

.Vs.

1.The Inspector of Police,
Chidambaram Town Police Station,
Chidambaram

2.The Superintendent of Police,
Chidambaram

3.V.Sagunthala

... Respondents

(3rd respondent impleaded as per
order in Crl.M.P.No.9980 of 2018
in Crl.O.P.No.18563 of 2018
dated 31.07.2018)

PRAYER: Criminal Original Petition filed under Section 482
of Cr.P.C. to direct the respondent police to give necessary
police protection to the petitioner personal life and property
on the basic of the complaint dated 27.06.2018.

For Petitioner : Mr.G.R.M.Palaniappan

For RR 1 and 2 : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor.

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O R D E R

This Criminal Original Petition has been filed to
direct the respondent police to give necessary police protection
to the petitioner personal life and property on the basic of the
complaint dated 27.06.2018.

2. The learned counsel for the petitioner would submit that petitioner purchased the subject property in O.S.No.73 of 1995 through auction and the same was confirmed in E.A.No.322 of 2003 thereafter possession was delivered under the protection of the local police on 23.12.2013. When the petitioner tried to demolish the existing building in the property, the daughter of the erstwhile owner, one, Shakunthala encroached the property and also threatened the petitioner, pursuant to which the petitioner filed a criminal case which was taken on the file of the learned Judicial Magistrate No.II, Chidambaram as C.C.No.444 of 2014. In spite of the same, the said Shakuntala continued to threaten the petitioner as such the petitioner submitted representation on 27.06.2018 seeking police protection, but action has not yet been taken. Hence, he has filed this petition.

3. It is seen from the records that the petitioner is the auction purchaser of the property in E.A.No.322 of 2006 on the file of the Principal District Munsif, Chidambaram. Even thereafter, the petitioner could not take delivery of possession. Therefore by an order dated 11.10.2013, the learned Principal District Munsif, Chidambaram directed the Station Officer concerned to render police aid to the bailiff to execute the delivery of warrant. Accordingly on the next day i.e. 23.10.2013 though Court amina with the protection of the police, delivery was taken by the petitioner as per the order passed in E.A.No.322 of 2006 in O.S.No.73 of 1995. Thereafter, the original owner of the property challenged the said order passed in E.A.No.322 of 2006 in C.R.P.No.3776 of 2013 on the file of this Court. The said CRP was dismissed as withdrawn. Even thereafter the petitioner could not enjoy the said property.

4. Considering the above facts and circumstances of the case, the first respondent is directed to give adequate police protection to the petitioner on the basis of the complaint dated 27.06.2018.

5. With the above direction, this Criminal Original Petition is disposed of.

lok

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Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
Chidambaram Town Police Station,
Chidambaram

2.The Superintendent of Police,
Chidambaram

3. The Principal District Munsif,
Chidambaram.

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

+lcc to Mr.P.Muthukumarasamy, Advocate,Sr.No.14675

Crl.O.P.No.18563 of 2018

Kak(04/04/2019)



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