

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.10081 of 2019

Mrs.M.Ranjitham

... Petitioner

Vs.

1.The State rep by,
The Commissioner of Police,
Greater Chennai,
Officer of the Commissioner of Police,
Vepery, Chennai.

2.The Deputy Commissioner of Police,
O/o Deputy Commissioner,
Adayar, Chennai 600 020.

3.The Assitant Commissioner of Police,
O/o Assistant Commissioner,
Adayar, Chennai 600 020

4.The Inspector of Police,
J-13, Police Station,
Tharamani, Chennai 600 113

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the respondent to provide police protection to the petitioner to the petitioner for constructing the wall for the property situated in Survey No.98, Pandiyan Street, Tharamani Village, Chennai Corporation, to an extent of 533 Sq ft.

For Petitioner : Mr.S.Joel
For Respondents : Mr.C.Raghavan
Govt. Advocate (Crl. Side)

O R D E R

This Criminal Original Petition has been filed to direct the respondents police to give police protection for constructing the wall for the property situated in Survey No.98, Pandiyan Street, Tharamani Village, Chennai Corporation, to an extent of 533 Sq ft.

2. It is seen that the petitioner filed a suit in O.S.No.954 of 1992 on the file of the learned XIV Assistant City Civil Court at Chennai, in respect of her ancestral property comprised in S.No.98 pandiyan street, Tharamani Village, Chennai Corporation, to an extend of 533 Sq ft vide registered sale Deed dated 19.08.1981. During the year 1992 when the petitioner tried to construct a wall around the property one Mr.T.Joseph, along with E.Gopala Krishnan and E.Jayapathi prevented the petitioner. The trial court granted interim injunction infavour of the petitioner. Thereafter, the pettiitioner filed a petition before the VI Additional City Civil Court, Chennai in A.S.No.103 of 1999 and the same was allowed on 17.01.2019. Again the petitioner filed an appeal before this Court in S.A.No.1748 of 2004. This Court, decreed the appeal in favour of the petitioner and confirmed the judgment dated 29.01.1998 in O.S.No.954 of 1992 passed by the Learned XIV Assistant City Civil Court, Chennai and to take possession of the property. After the judgment passed by this Court, the petitioner gathered constructing materials for building a wall in her land on 25.03.2019. At that time, the above said E.Gopala krishnan and E.Jayapathi restrained her and also threatened the petitioner. Therefore, she lodged a complaint and seeks for police protection.

3. In this regard the learned counsel appearing for the petitioner relied upon the judgment reported in 2014-2-L.W.927 in the case of Radhika Sri Hari & another Vs. The Commissioner of Police, Coimbatore, which reads as follows :-

"6. The reliance placed on decision referred to by the learned counsel for contesting respondents is misplaced. While it is true that pending civil proceedings, this court would not interfere in exercise of jurisdiction under Section 482 Cr.P.C, the instant is a case, wherein the right of the petitioners to property stand crystallised under order in S.A.No.855 of 1977. Pursuant to subsequent proceedings in W.P.No.7356 of 2012, the property of the petitioners came to be demarcated under proceedings of the appellate authorities viz Town Sub Inspector of Survey, Coimbatore East. Such official act has been challenged by way of contempt proceedings and the same stand dismissed. It is not the contention of learned counsel for contesting respondents that pursuant to the order in Cont.P.No.1444 of 2012, they have not moved any civil forum. However, he would submit that

contesting respondents are poor people pitted against the affluent persons in whose aid the police agency also is working.

7. In the aforesaid circumstances, this court considers it appropriate to refer to report of the committee constituted by the Government in G.O.(3D) No.42, Home dated 30.06.2008 towards review of the system of treating complaints relating to money and land matters and to suggest a legally acceptable methodology. The report of such committee touching upon several issues, was accepted by Government. Having done so, under G.O.Ms.No.1580 Home (POL.VII) Department dated 24.11.2008, the Director General of Police was required to circulate the report along with the 14 point guidelines annexed to such Government order to police officers/stations for appropriate adherence. Under C.No.43/CRB/CSP/2008 dated 08.12.2008, the Commissioner of Police, Chennai Sub-Urban, has caused communications to all Deputy Commissioners, Assistant Commissioners and Inspector of police for necessary action. Guideline 11 issued by the committee reads as follows:

"11. When police protection is sought for the implementation of a civil court order it should be given readily. Police should not insist on a specific court direction to give police protection."

8. What is informed above makes clear that the petitioner would be entitled to police protection as prayed for. Criminal original petition is allowed. There will be a direction to respondents to provide police protection to the petitioners for a period of three weeks from the date of receipt of a copy of this order towards enabling them raising fresh barbed wire fences on their property. The same will be at the cost of the petitioner."

This Court held that when there is a civil Court decree, the police should give protection to implement the same. The police should not insist on a specific Court direction to give protection.

4. In view of the above, this Court is inclined to allow this petition and subsequently the fourth respondent is directed to provide adequate police protection to the petitioner for

constructing a wall around the land in Survey No.98 pandiyan street, Tharamani Village, Chennai Corporation, forthwith.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

vsn/mpa

To

- 1.The Commissioner of Police,
Greater Chennai, Officer of the Commissioner of Police,
Vepery, Chennai.
 - 2.The Deputy Commissioner of Police,
O/o Deputy Commissioner, Adayar, Chennai 600 020.
 - 3.The Assitant Commissioner of Police,
O/o Assistant Commissioner, Adayar, Chennai 600 020
 - 4.The Inspector of Police,
J-13, Police Station, Tharamani, Chennai 600 113
 5. The Public Prosecutor,
High Court of Madras, Chennai.
- +1 cc to Mr.S.Joel, Advocate, Sr.No. 38620

CSL/13.05.2019

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