



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2019

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.13670 of 2019

M.Kamalakaran

.. Petitioner

Vs

1.State Rep. by
The Inspector of Police,
Madhavaram Police Station,
Chennai - 600 060.

2.Logesh

3.R.Udhayakumar

4.V.Dillibabu

5.K.Kuppan

6.K.Sathurpujam

.. Respondents

(R2 to R6 are impleaded vide Court order
dated 11.06.2019 in Crl.MP.7273/19
in Crl.OP.13670/19)

Criminal Original Petition filed under Section 482 of Cr.P.C. to grant police protection to construct the building Madhavaram Village, Survey No.379/3 situated in No.36, Perumal Koil Street, Madhavaram, Chennai - 600 060 pursuant to the petitioner complaint dated 14.05.2019.

For Petitioner : Mr.V.Balamurugan

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

O R D E R

This petition has been filed seeking for police protection.

2.The case of the petitioner is that the petitioner's mother is the owner of the property and she attempted to build house in the property and at that point of time the respondents 2 to 6 attempted to disturb the possession and enjoyment of the property. Therefore, the petitioner's mother filed a suit against the counter parties for permanent injunction in O.S.No.1108 of 1997. The said suit was decreed by judgment and decree dated 27.04.2009. The judgment and decree was challenged by the counter parties in A.S.No.14 of 2009 and the said appeal was also dismissed by judgment and decree dated 11.12.2018.



Thereafter, the property was gifted in favour of the petitioner by settlement deed dated 26.12.2017 and thereby the petitioner became the absolute owner of the property.

3. When the petitioner attempted to put up the construction of the property, the counter parties again disturbed the possession and enjoyment of the property and prevented the petitioner from putting up the construction. The petitioner therefore gave a complaint to the respondent Police seeking for police protection and the same was taken on file in CSR.No.312 of 2019. However since no action has been taken on the complaint, the present petition has been filed seeking for police protection.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent Police.

5. It is seen from the records that the mother of the petitioner has succeeded in the civil suit filed against the counter parties and even the appeal filed by them was dismissed. Under such circumstances, the counter parties cannot be permitted to take law into their own hands and again interfere with the possession and enjoyment of the property. They can only agitate their rights in the manner known to law by filing second appeal if they are aggrieved by the judgment passed in the appeal.

6. In view of the above, there shall be a direction to the respondent Police to call the parties for an enquiry and instruct respondents 2 to 6 not to interfere with the possession and enjoyment of the property and if inspite of the same, any threat is exerted by the respondent, action shall be taken against them in accordance with law and if necessary, police protection shall also be given to the petitioner.

7. This Criminal Original Petition is disposed of with the above direction.

Sd/-
Assistant Registrar (CS-II)

//True copy//

Sub Assistant Registrar

vs/rna



To

1.The Inspector of Police,
Madhavaram Police Station,
Chennai - 600 060.

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.V.Balamurugan, Advocate SR.No.46688

Cr1.O.P.No.13670 of 2019

NRJK (CO)
GMY (22/07/2019)