

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2019

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.14026 of 2019

K.S.Iqbal Sherif

.. Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by the Superintendent of Police,
Ooty,
The Nilgiris District.

2.The Inspector of Police,
Gudalur,
Gudalur Taluk,
The Nilgiris District.

3.Parvathy

4.Ramesh

5.Raji

6.Krishnan

7.Sivan

.. Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C. to direct the 2nd respondent herein to provide police protection the petitioner herein at his agricultural land having an extent of 3.50 acres or its thereabouts comprised in survey nos.1009/5, 1020/1, situate in Kotharvayal - Gudalur-2 village, Gudular taluk, The Nilgiris District.

For Petitioner : Mr.S.Arunkumar

For Respondents : Mr.M.Mohamed Riyaz (for R1 & R2)
Additional Public Prosecutor

O R D E R

This petition has been filed seeking for police protection from the 2nd respondent in order to enable the petitioner to do agricultural activities in the property.

2.It is seen from the records that the brother of the petitioner had already filed a suit against the 3rd respondent and one Dharmaraj claiming for relief of permanent injunction in O.S.No.143 of 2005 before the learned Additional District Munsif Court, Gudalur and the said suit was decreed by judgment and decree dated 20.04.2016.

3.The learned counsel for the petitioner submitted that this judgment and decree has become final and no appeal has been preferred by the 3rd respondent.

4.It is the grievance of the petitioner that inspite of the judgment passed by the competent civil Court, the 3rd respondent with the help of respondents 4 to 7 are interfering with the possession and enjoyment of the property and preventing the petitioner from doing his agricultural activities. The petitioner has given a complaint before the 2nd respondent and till date no action has been taken on the same.

5.It is also brought to the notice of the Court that the petitioner earlier approached this Court seeking for a direction to the respondent police to register an F.I.R. based on the complaint given by the petitioner and this Court had disposed of the same by order dated 01.03.2019 giving liberty to the petitioner to work out his remedy in accordance with the guidelines given by the Division Bench.

6.There shall be a direction to the 2nd respondent to conduct an enquiry based on the complaint dated 03.03.2019 and 29.04.2019 given by the petitioner by calling all the parties. If it is found that already a civil Court has passed a decree in favour of the petitioner, the counter party shall be directed not to interfere with the possession and they shall be directed to work out their remedy before the competent civil Court. If inspite of the same, there is any threat or interference by the counter parties, the 2nd respondent shall take action in accordance with law.

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

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

vs

To

1.The Superintendent of Police,
Ooty,
The Nilgiris District.

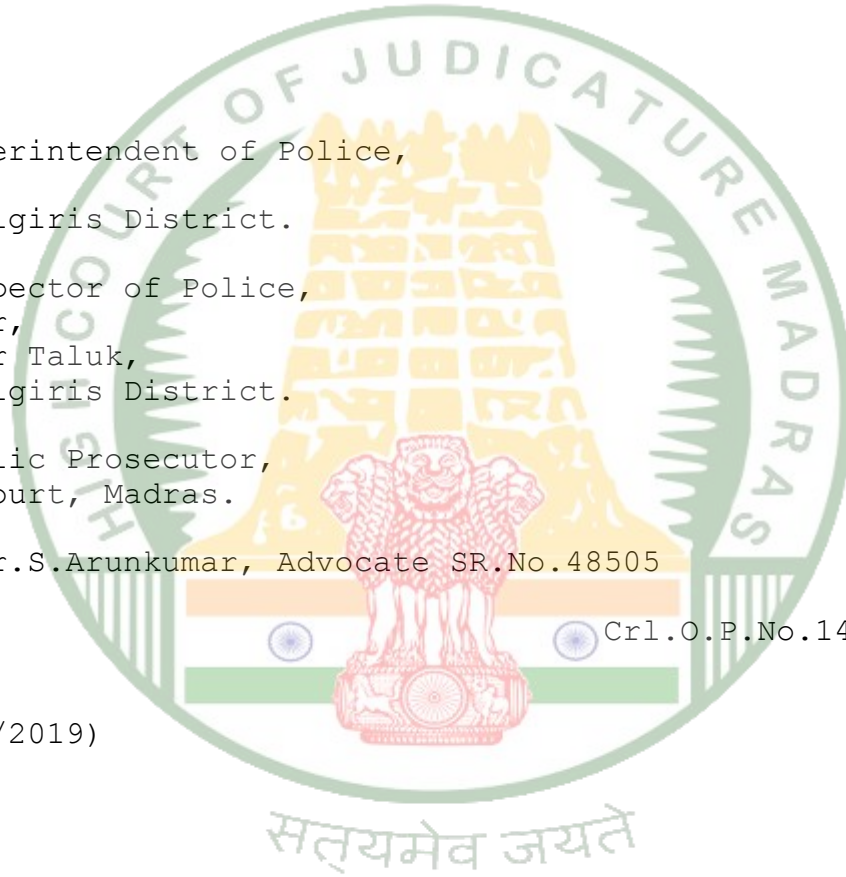
2.The Inspector of Police,
Gudalur,
Gudalur Taluk,
The Nilgiris District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Arunkumar, Advocate SR.No.48505

Cr1.O.P.No.14026 of 2019

SAI (CO)
GMY (21/06/2019)



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