

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2019

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.14764 of 2019

V.Natarajan

.. Petitioner

Vs.

1.The Superintendent of Police,
Cuddalore District,
Cuddalore.

2.The Inspector of Police,
Kurinjipadi Police Station,
Kurinjipadi,
Cuddalore District.

3.Velayudham

4.Vaidhyanathan

5.Nagaraj

6.Sundar

7.Selvam

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C. to direct the 2nd Respondent to give Police Protection to enter into Petitioner's property and to fence the property in bearing Survey No.67/2A, 67/1 and 67/4B with an extent of 1.36 Acres in Kurinjipadi Town, Cuddalore District.

For Petitioner : Mr.D.Rajagopal

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.

2.It is seen from the records that the petitioner's grandfather had purchased the property through Court auction. In

the year 1974 a suit came to be filed against the petitioner's grandfather and another person and similarly the petitioner's grandfather also filed a suit in O.S.No.1290 of 1974 seeking for the relief of declaration and permanent injunction. The suit filed by the petitioner's grandfather was decreed by judgment and decree dated 28.09.1976. The appeal filed against the same by the defendants was also dismissed.

3.After some time in the year 1985 the legal heirs again filed a suit against the grandfather in which the decree was granted in so far as the half share in the property is concerned. This was challenged by the petitioner's grandfather in A.S.No.810 of 1987 and appeal was allowed and judgment and decree passed by the trial Court was set aside. The matter ultimately reached the Hon'ble Supreme Court in C.A.No.5276 of 2008 and the appeal came to be dismissed by judgment dated 23.10.2018. Thus the petitioner's grandfather's right and title to an extent of 1.36 acres is confirmed.

4.An E.P. was filed in E.P.No.840 of 1996 and by an order dated 28.08.2000 delivery of possession was ordered and the petitioner's grandfather was given possession of the property.

5.Inspite of the above civil proceedings, the grievance of the petitioner is that the counter party continues to interfere with the possession and enjoyment of the property and caused threat to the petitioner. Therefore, a representation was given to the respondent police on 13.05.2019 seeking for police protection. Since no action has been taken by the police, the present petition has been filed before this Court seeking for police protection.

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

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7.There shall be a direction to the 2nd respondent to immediately call for an enquiry based on the representation dated 13.05.2019 and direct the counter party not to cause threat to the petitioner and workout his remedy only in accordance with law. Since the Civil Court orders are in favour of the petitioner's grandfather, the counter party cannot take law into their own hands. If inspite of the instructions, the counter party indulges in causing any threat, appropriate action shall be taken by the 2nd respondent in accordance with law.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police,
Cuddalore District,
Cuddalore.
2. The Inspector of Police,
Kurinjipadi Police Station,
Kurinjipadi,
Cuddalore District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.D.Rajagopal, Advocate, SR.No.49504

Crl.O.P.No.14764 of 2019

Kak(18/07/2019)



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