

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2019

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.14797 of 2019

B.Babu

.. Petitioner

Vs

- 1.State rep by its,
The Superintendent of Police,
Vellore District,
Vellore.
 - 2.State rep by its,
The Deputy Superintendent of Police,
Arakkonam, Vellore District.
 - 3.State rep by its,
The Inspector of Police,
Arakkonam Taluk Police Station,
Vellore District.
- .. Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C. to direct the 3rd Respondent Police to provide necessary police protection to the petitioner to cultivating in his Agriculture land measuring an extent of 1.57 cents comprised in survey No.361/1 and measuring an extent of 1.57 cents comprised in survey No.361/2 in total acre 3.14 cents situated at in Thanigai Polur, Vaniyambadi Village, Arakkonam Taluk, Vellore District.

For Petitioner : Mr.D.Dayalan

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

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O R D E R

This petition has been filed seeking for police protection.

2.It is seen from the records that the petitioner had already approached this Court by filing Criminal Original Petition in Crl.O.P.No.11004 of 2017 seeking for police protection to fence the property. It will be relevant to extract the portion of the order which is as hereunder:-

2.It is the case of the petitioner that he along with his mother and brother are the absolute owners of the vacant land measuring an extent of 1.57 cents comprised in Survey No.361/1 and measuring an extent of 1.57 cents comprised in Survey No.361/2 in total acre 3.14 cents situated at Thanigai Polur, Vaniambadi village, Arakkonam Taluk, Vellore District. It is also the case of the petitioners that his ancestral one (late) Maraganapathy purchased the property from one Perumal Reddy on 26.10.1983. The petitioner's ancestor along with his father were in possession and enjoyment of the said properties for the past 34 years. In the year 2004, there was a land dispute between one Sivalingam, Palani and the petitioner and they are trying to grab the petitioner's land. Due to that they have filed a suit in O.S.No.259 of 2004 before the District Munsif Court, Arakkonam. The petitioner along with his legal heirs filed a suit in O.S.No.277 of 2004 on the file of District Munsif, Arakkonam for cancelling the patta granted in favour of Sivalingam and after contest, it was allowed in favour of Sivalingam. Challenging the same, appeals were filed in A.S.Nos.36 and 37 of 2014 on the file of Subordinate Judge, Arakkonam, and by judgment and decree dated 04.07.2014, the appeals were partly allowed restraining the defendants from interfering with the petitioner's peaceful possession and enjoyment of the property. Even thereafter, the said Sivalingam is not obeying the Court decree, but engaged social elements and trespassed into the petitioner's land and grab his land. Subsequently, when the petitioner went to see his properties, the Sivalingam and others joined together had deadly weapons and scolded the petitioner. The petitioner submitted that if police protection was not given, the petitioner will be put to irreparable loss and hardship. Therefore, the petitioner has come up with the present petition seeking a direction to the respondents to provide police protection to fence his lands.

3.Learned counsel appearing for the petitioner submitted that even after obtaining an order in favour of the petitioner, the accused has been continuously giving trouble to the petitioner and hence, on the strength of obtaining orders in favour of the petitioner, he requested the respondents police to give police protection to fence his lands. Learned

counsel appearing for the petitioner further submitted that in identical situation, this Court, in the case of Radhika Sri Hari and another v. Commissioner of Police reported in 2014 (2) CTC 695, has held that the petitioner in that case would be entitled to police protection as prayed for. Thus, he sought for similar direction in this petition also.

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Hence, as per the Guideline 11 issued by the committee constituted by the Government in G.O. (3D) No.42, Home dated 30.6.2008, when police protection is sought for, for the implementation of a civil Court order, it should be given readily. In the instant case also, the petitioner has obtained an order in his favour from the competent civil Court and the same is now in force. Hence, based on the said order, the petitioner is entitled to get police protection to fence his property."

3.After obtaining the above said order, the petitioner has also fenced his property.

4.When the petitioner attempted to cultivate the lands, again the counter parties interfered with the possession of the property and therefore, the present petition has been filed seeking for a direction to the 3rd respondent to provide police protection to enable the petitioner to cultivate his land, Since no action has been taken by the respondent Police inspite of receiving a complaint dated 27.05.2019 from the petitioner.

5.In view of the above, there shall be a direction to the respondent Police to call the parties for an enquiry and direct the counter parties not to interfere with the possession and enjoyment of the property of the petitioner and if at all they have any rights to agitate, the same shall be done before the competent Civil Court and thereby workout their remedy. If inspite of the instructions if the counter parties attempted to the interfere with the possession and enjoyment of the petitioner's property, the 3rd respondent shall taken action in accordance with law and if necessary provide police protection to the petitioner.

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

Sd/-

Assistant Registrar (CS)

//True Copy//

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar

vs/rna

To

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

2.The Deputy Superintendent of Police,
Arakkonam, Vellore District.

3.The Inspector of Police,
Arakkonam Taluk Police Station,
Vellore District.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.D.Dayalan , Advocate SR.No. 46772

CrI.O.P.No.14797 of 2019

A.SK(01/07/2019)



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