

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.16248 of 2019

P.A.Chitra

...Petitioner

Vs.

1. The Superintendent of Police,
Vazhudavoor Road,
Mettupalayam,
Puducherry-9.
2. The Sub Inspector of Police,
Station House Officer,
Reddiarpalayam Police Station
Puducherry-605 010.
3. Nagaraj
4. Arikrishnan
5. Duraikannu
6. Boobalan
7. Sivagami
8. Manimegalai
9. Varalakshmi
10. Shankaralingam

...Respondents

PRAYER :

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to direct the respondents 1 and 2 to provide police protection to the petitioner and her property situated at Plot No.5 & 6, measuring an extent of 3600 sq.ft. and bearing Patta No.674 comprised in Re-Survey No.51/4, Golden Avenue Extension, Reddiarpalayam Revenue Village, Puducherry to implement the decree of permanent injunction dated 12.01.2018 made in O.S.No.843 of 2007 by the I Additional District Munsif Court, Puducherry in respect of the aforesaid property.

For Petitioner

: Mr.R.Thiagarajan

For 1st and 2nd Respondents

: Mr.V.Balamurugane
Addl. Public Prosecutor
Puducherry.

ORDER

The petition has been filed seeking for police direction to the petitioner to enable her to fence her property.

2. It is seen from the records that the property originally belonged to one Meera. She had filed a suit against the counter parties in O.S.No.843 of 2007 seeking for the relief of permanent injunction. Initially, interim injunction was granted in favour of the said Meera in I.A.No.1821 of 2017 by an order dated 29.01.2009. Subsequently, the main suit itself was taken up for hearing and by judgment and decree dated 12.01.2018, the suit was decreed in favour of Meera.

3. The petitioner claims herself to be a purchaser from the above said Meera. When the petitioner attempted to fence her property, the same was resisted and threat was exerted against her and therefore, the petitioner had given a complaint to the respondent police on 04.06.2019 and 10.06.2019 seeking for police protection. Since the same has not been acted upon, the present petition has been filed before this Court seeking for appropriate directions.

4. Mr. R.Thiyagarajan, the learned counsel appearing on behalf of the petitioner submitted that the judgment and decree of the Civil Court has become final and no one has preferred any appeal till date. The learned counsel further submitted that the petitioner is also entitled to the fruits of the decree since it has been obtained by her vendor and therefore, no one can be permitted to cause threat or restrain the petitioner from enjoying the property.

5. The learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that immediately after the receipt of the complaint, the respondent police had given police protection. However, the local villagers claimed that the property belongs to a temple and they were resisting the petitioners from constructing a compound wall.

6. This Court has carefully considered the submissions made on either side and the materials placed on record.

7. It is a fact that one Meera has already obtained a decree in her favour on 12.01.2018. The petitioner claiming to be the purchaser of the property is also entitled to take advantage of the decree as the subsequent purchaser. Once there is a valid decree passed by a competent Civil Court, no one can restrain the decree-holder from enjoying the fruits of the decree except in accordance with law. This position has been made clear by the judgment in R.Subramanian v. The Commissioner

of Police, Vepery, Chennai reported in 2014 (2) CTC 695. The facts of this case is squarely covered by the said judgment.

8. If at all, the villagers are claiming right over the property on the ground that it belongs to a temple, they can always work out their rights in accordance with law before the competent Court. They cannot be permitted to take law into their own hands.

9. In view of the above, there shall be a direction to the 2nd respondent to immediately call the parties for enquiry and to instruct the counter parties not to exert any threat or interfere with the enjoyment of the property of the petitioner and advice the counter parties to work out their remedy in accordance with law. If inspite of the same, there is any threat exerted against the petitioner, immediate action shall be taken in accordance with law and if necessary, police protection shall also be given to the petitioner.

10. This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Vazhudavoor Road,
Mettupalayam, Puducherry-9.

2. The Sub Inspector of Police,
Station House Officer,
Reddiarpalayam Police Station
Puducherry-605 010.

3. The Public Prosecutor,
Puducherry.

+1cc to Mr.R.Thiagarajan, Advocate, S.R.No.53005
+1cc to the Public Prosecutor(Puducherry), S.R.No.52528

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BR(CO)
CS/12/07/2019