

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.16786 of 2019

1.V.Ealumalai
2.E.Arul Mani
3.Pachiyammal
4.Santha
5.Lakshmi
6.C.Vengatesan
7.Bharathi

... Petitioners

Vs.

1.Panjali
2.Valliammal (allies) valli
3.The Inspector of Police,
Singarapettai Police Station,
Krishnagiri District.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Code of Criminal Procedure seeking to direct the 3rd respondent to keep in abeyance order dated 24.01.2019 in Crl.O.P.No.1585 of 2019.

For Petitioners :Dr.G.Babu

For Respondents 1 & 2: Mr. S.Sathish Rajan

For Respondent 3 : Mr.C.Raghavan
Government Advocate (Crl. Side)

ORDER

This petition has been filed requesting this Court to keep the order passed by this Court in Crl.O.P.No.1585 of 2019 in abeyance.

2. It will be relevant to extract the order passed by this Court in Crl.O.P.No.1585 of 2019 which reads as follows:

"2. The petitioners have claimed to be absolute owners of the property. The first petitioner along with her vendor filed a suit in

O.S.No.412 of 1996 against the second and third respondents and their father before the District Munsif cum Judicial Magistrate, Uthangarai, praying for the relief of declaration of title and permanent injunction. This suit was dismissed. The first petitioner and her vendor filed an appeal in A.S.No.30 of 2002, before the Principal District Court, Krishnagiri. This appeal was allowed by Judgment and decree dated 28.11.2003. Thereby, the suit was decreed as prayed for. A portion of the property was thereafter purchased by the second petitioner.

3. The grievance of the petitioners is that respondents 2 to 7 are preventing the petitioners and their workers from deepening the well and are causing threat to the petitioners. Therefore, the complaint was given to the first respondent and the first respondent has issued a receipt in CSR.No.206 of 2018. Since no action has been taken, the present petition has been filed seeking for police protection.

4. The petitioners have already succeeded before the Competent Court and the rival party do not have any right to interfere with the possession of the property and they have to necessarily work out their rights only in accordance with law and they cannot take law into their own hands.

5. The facts of the case is squarely covered by the judgment of this Court in Radhika Sri Hari and another vs. Commissioner of Police, Coimbatore City, Coimbatore reported in 2014 (2) CTC 695,

6. This Criminal Original Petition is disposed of, with the direction to the first respondent to call the parties for enquiry and instruct respondents 2 to 7 not to disturb the possession of the petitioners. If the respondents 2 to 7 continue to disturb the possession of the petitioners and cause threat to the petitioners, appropriate action may be taken against them by the first respondent in accordance with law. If required, the first respondent shall also provide police protection to the petitioners."

3. The petitioners in this petition seems to have filed another suit in O.S.No.86 of 2019 before the Sub Court, Uthangarai on 25.04.2019. In the said suit, apart from other reliefs, the petitioners had also sought for relief to declare the earlier judgment and decree passed in A.S.No.29 of 2002 and A.S.No.30 of 2002 as null and void. If at all, the petitioner

succeeds in this suit, the earlier judgment and decree passed by the competent civil court will be in force. This Court passed the above order by taking into consideration, the earlier judgment and decree passed in O.S.No.412 of 1996 and A.S.No.30 of 2002. This Court, therefore does not find any ground to keep the order in abeyance.

4. It is made clear that the order passed by this Court in Crl.O.P.No.1585 of 2019 will not have any bearing on the suit that has been filed by the petitioners which is now pending in O.S.No.86 of 2019 on the file of the Sub Court, Uthangarai. The Court below will consider the case on its own merits and in accordance with law.

5. The Criminal Original Petition is disposed of, accordingly.

-s/d-

Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

To

1.The Inspector of Police,
Singarapettai Police Station,
Krishnagiri District.

2.The Subordinate Judge
Uthangarai.

3.The Public Prosecutor,
High Court, Madras.

+2 Ccs to Dr.G.Babu, Advocate sr 66066.

+1 CC to Mr.Sathish Rajan, Advocate sr 65453.

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VGI(CO)
SP(02/08/2019)