



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12.07.2019
CORAM
THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

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Crl.O.P.No.18443 of 2019

Krishnamurthy

... Petitioner

Vs.

- 1.The Superintendent of Police,
Tiruvannamalai,
Tiruvannamalai District.
- 2.The Deputy Superintendent of Police,
Chengam,
Chengam Taluk,
Tiruvannamalai District.
- 3.The Inspector of Police,
Mel Chengam Police Station,
Mel Chengam, Chengam Taluk,
Tiruvannamalai District.
- 4.Venkatakrishnan
- 5.Arunachalam

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents 1 to 3 to give police protection for fencing the property of the petitioner after removing the tiled house in the property.

For Petitioner : Mr.R.Rajarajan
For Respondents : Mr.M.Mohamed Riyaz
(for R1 to R3)
Additional Public Prosecutor

O R D E R

This petition has been filed seeking for police protection.

2.This Court passed an earlier order in Crl.O.P.No.28370 of 2018 dated 05.12.2018. The relevant portion of the order is extract hereunder:

"2. The petitioner was an agreement holder and he filed a suit for specific performance in O.S.No.304 of 1996 before



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the District Munsif Court, Chengam. The suit was decreed by Judgment and Decree, dated 29.04.2004 and the same was also confirmed in A.S.No.43 of 2004, by judgment and Decree, dated 09.11.2005 and subsequently, the second appeal filed by the other side was also dismissed in the year 2007.

3. The learned counsel for the petitioner would submit that the decree having become final, the petitioner filed E.P.No.118 of 2007 before the execution Court seeking for possession of the property. The Execution Petition was also ordered and the same was also confirmed by this Court in C.R.P.No.3512 of 2007. The delivery was also effected in favour of the petitioner. The other side had given an undertaking before the Hon'ble Supreme Court stating that the property will be handed over to the petitioner on 30.06.2018 and the same was recorded and the Special Leave Petition was also dismissed by order dated 12.03.2018.

4. The learned counsel would submit that in spite of the delivery having been effected and the petitioner having succeeded right through, the other side is continuously causing threat and disturbance to the possession and enjoyment of the petitioner. Therefore, the petitioner had given a representation to the respondent police on 24.08.2018 seeking for police protection. Since the same has not been considered, this petition has been filed seeking for appropriate direction.

5. It is seen from the records that the entire Civil Proceedings have gone in favour of the petitioner. The delivery has also been effected and the Judgment Debtor had also given a specific undertaking before the Hon'ble Supreme Court that the possession to the property will be handed over to the petitioner by 30.06.2018. Under such circumstances, the other side does not



enable him to fence his property which is the subject matter in E.P.No.118 of 2007.

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

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Sd/-
Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

jas/vs
To

- 1.The Superintendent of Police,
Tiruvannamalai,
Tiruvannamalai District.
- 2.The Deputy Superintendent of Police,
Chengam,
Chengam Taluk,
Tiruvannamalai District.
- 3.The Inspector of Police,
Mel Chengam Police Station,
Mel Chengam, Chengam Taluk,
Tiruvannamalai District.
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Rajarajan , Advocate SR.No. 59300
CrI.O.P.No.18443 of 2019
A.SK(14/08/2019)