

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2019

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

CrI.O.P.No.20760 of 2019

J.Amritlal Chandak

... Petitioner

Vs.

The State rep by,

1.The Inspector of Police,
T-4, Thirumullavoyal Police Station,
CTS Salai, Thirumullavoyal,
Chennai - 600 062.

2.Sumathi

3.Suguna @ Sundari

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the 1st Respondent to assist with necessary Police force and necessary protection for the Petitioner to fence their property.

For Petitioner : Mr.S.Rajendran

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

This petition has been filed seeking for police protection in order to enable the petitioner to fence his property.

2.The brother of the 2nd and 3rd respondents filed a suit for declaration and permanent injunction against the petitioner and four others with regard to the subject property. The suit was dismissed by judgment and decree dated 26.04.2018. This judgment has become final according to the petitioner. In spite of the same, the 2nd and 3rd respondents are causing threat to the petitioner and are interfering with the possession and enjoyment of the property. A complaint was given to the respondent police which was taken in C.S.R.No.729 of 2019. Since no action was taken, the present petition has been filed before this Court seeking for police protection.

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

4.Taking into consideration the facts and circumstances of the case, there shall be a direction to the 1st respondent to call the parties for an enquiry. If the judgment and decree passed in O.S.No.39 of 2006 has become final and no appeal has been filed, the 3rd and 4th respondents shall be directed not to interfere with the possession and enjoyment of the petitioner. If any appeal has been filed, the parties shall be relegated before the Competent Court.

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

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

jas/vs

To

1.The Inspector of Police,
T-4, Thirumullavoyal Police Station,
CTS Salai, Thirumullavoyal,
Chennai - 600 062.

2.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.S.Rajendiran, Advocate Sr.68753

Cr1.O.P.No.20760 of 2019

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srg 14/09/2019