

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.20460 of 2019

B.Ponnappan

...Petitioner

-Vs-

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

2. The Inspector of Police,
Kanakammachathiram,
Thiruvallur District.

3. Balaraman

4. Jayaraman

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure to issue directions to the 1st and 2nd respondent to give police protection to the petitioner and his family safeguarding from the respondents 3 & 4 and their men to enter his land.

For Petitioner : Mr.Ashok Kumar D

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This Criminal Original petition has been filed seeking for police protection.

2. The petitioner claims to be the absolute owner of the property and he is in possession and enjoyment of the same. An attempt was made by the 3rd & 4th respondent to interfere with the possession and enjoyment of the property and therefore, the mother of the petitioner filed a suit in O.S.No.14 of 1998 before the District Munsif Court, Thiruttani seeking for the relief of declaration and permanent injunction. The suit was decreed by Judgement dated 13.10.2009.

3. The 3rd and 4th respondents filed an appeal in A.S.No.76 of 2011 before the Sub-Court, Thiruttani and the Appeal was dismissed by judgment dated 16.08.2017, confirming the judgement of the Trial Court.

4. It is the grievance of the petitioner that in spite of judgement of the competent Civil Court, the 3rd and 4th respondent continuous to exert threat against the petitioner and is interfering with the peaceful possession and enjoyment of the property.

5. Heard the learned counsel for the petitioner and learned Additional Public prosecutor appearing on behalf of the respondents 1 and 2.

6. 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 passed by the Sub-Court has become final, the 3rd and 4th respondent may be instructed not to cause any threat or disturbance to the possession of the petitioner. If in spite of the same, the 3rd and 4th respondent continue to exert threat, action may be taken in accordance with law. If the 3rd and 4th respondents have filed any second Appeal against the judgment of the Sub Court, the parties shall be relegated to the appropriate competent Civil Court.

7. This criminal original petition is disposed of accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police,
Thiruvallur District, Thiruvallur.
2. The Inspector of Police,
Kanakammachathiram, Thiruvallur District.
3. The Public Prosecutor, High Court, Madras.

AKM/14.09.19/2P-4C /

CrI.O.P.No.20460 of 2019