

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Cr1.O.P.No.20731 of 2019

E.Jacinthamary

...Petitioner

Vs

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

2.The Deputy Superintendent of Police,
Tindivanam,
Viluppuram District.

3.The Inspector of Police,
C-5 Brammadesam Police Station,
Viluppuram District.

4.P.Samathanam

5.Chinnappan

6.Clara

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, directing the first respondent to grant Police Protection to the petitioner to enjoy her property and cultivate her land to earn her livelihood by considering her representation dated 29.07.2019 to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondents: Mr.C.Iyyapparaj
1 to 3 Additional Public Prosecutor
R4 to R6 : No-Appearance

O R D E R

The grievance of the petitioner is that the property comprised in Sruvey Nos.126/5, 123/12,126/6,126/4 and 124 originally stand in the name of her husband Mr.P.Eilyas. After the demise of her husband, petitioner claims to have been cultivating the land for over one year. In the meantime, the respondents 4 to 6 herein had objected to the petitioner's peaceful enjoyment and cultivation of the lands, owing to which a complaint was given on 21.07.2019 as well as representation of the police seeking for protection on 29.07.2019. Since, such a protection was not permitted the present petition has been filed.

2.Heard Mr.R.Sankarasubbu, the learned Counsel appearing for the petitioner and Mr.C.Iyyapparaj, learned Additional Public Prosecutor appearing for the respondents 1 to 3.

3.Notice has been served to the respondents 4 to 6 alone and their names printed in the cause list, however, none appeared. The sale deed dated 08.12.1995 stands in the name of the petitioner's husband Mr.P.Eliyas for the property comprised in Sruvey Nos.126/5, 123/12,126/6,126/4 and 124. The respondents 4 to 6 herein had claimed to be the in-laws of the petitioner herein. Since the sale deed seems to be an self-acquired property of the petitioner's husband, the respondent herein may not have any right to question the rights of the petitioner to cultivate the land. Even otherwise, if at all the respondents 4 to 6 claim any right over the property, the only option available to them would be to approach the Civil Courts, establishing their rights.

4.In view of the prima facie materials available before this Court that the property stands in the name of petitioner's husband and also taking into fact that the respondents 4 to 6 have chosen not to appear, this Court is of the view that the relief sought for by the petitioner can be granted.

5.In the light of the above observations, there shall be a direction to Deputy Superintendent of Police, Tinidivanam / 2nd respondent to extend the necessary police protection to the petitioner on any representation made by her to ensure that the petitioner peacefully enjoys the property comprised in Survey Nos.126/5, 123/12,126/6,126/4 and 124.

6.This Criminal Original Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

jas/ssr

To

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

2.The Deputy Superintendent of Police,
Tindivanam,
Vilupuram District.

3.The Inspector of Police,
C-5 Brammadesam Police Station,
Viluppuram District.

4. The Public Prosecutor,
High Court of Madras.

+lcc to Mr.R.Sankarasubbu, Advocate sr.77979

Crl.O.P.No.20731 of 2019

kk(co)
nr 24/10/2019

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