

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2019

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Cr1.O.P.No.21102 of 2019

Tmt. Kaveriammal

... Petitioner

Vs.

1.The Inspector of Police,
Athiyaman Kottai Police Station,
Dharmapuri District, .

2.Arumugam

3.Velayutham

4.Murugesan

5.Krishnan

.....Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents police to provide adequate police protection to the petitioner's life and property situated in Survey No.616, 619 total extent of 7.28 acres at Balajangamanahalli, Dharmapuri Taluk and Dharmapuri District, on the basis of the representation given by the petitioner to the respondents on 13.06.2019 on the light of judgement and decree in O.S.No.127 of 2009, O.S.No.361 of 2010 dated 08.11.2013 on the file of District Munsif Court, Dharmapuri.

For Petitioner

: Mr.Sundarapandiyan B

For Respondents

: Mr.M.Mohamed Riyaz,
Additional Public Prosecutor
for R1

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O R D E R

This petition has been filed seeking for police protection for the life and property of the petitioner.

2. It is seen from records that the petitioner had filed a suit in O.S.No.361 of 2010 against the respondents 2 to 5, seeking for the relief of permanent injunction restraining them from in any way interfering with the possession and enjoyment of the property. The 2nd respondent had also filed a suit in O.S.No.127 of 2009 against the petitioner and two others for a similar relief. Both the suits were tried together and by a common judgment dated 08.11.2013, the suit filed by the petitioner was decreed and the suit filed by the 2nd respondent was dismissed.

3. Aggrieved by the same, the respondents 2 to 5 filed two Appeals in AS.No.47 and 48 of 2013 before the Sub Court, Dharmapuri. Both the Appeals were dismissed by judgment dated 27.02.2015. According to the petitioner, this judgment has become final.

4. The grievance of the petitioner is that in spite of the judgment of the competent Civil Court, the counter parties are continuing to cause threat and interfering with the possession and enjoyment of the petitioner. Therefore, the petitioner gave a police complaint on 19.11.2018 before the 1st respondent seeking for police protection. Since the same was not considered, the present petition has been filed before this Court.

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

6. Taking into consideration the facts and circumstances of the case, the 1st respondent is directed to call the parties for an enquiry. If the judgement and decree passed in O.S.No.361 of 2010 has become final, the respondents 2 to 5 shall be directed not to cause any threat or interfere with the possession and enjoyment of the property of the petitioner. If any Appeal is pending as against the Judgement passed in AS No.47 & 48 of 2013, the parties shall be relegated to the competent Civil Court. The 1st respondent shall take a decision accordingly, with regard to providing police protection.

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

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

rka

To

1.The learned District Munsif Court, Dharmapuri

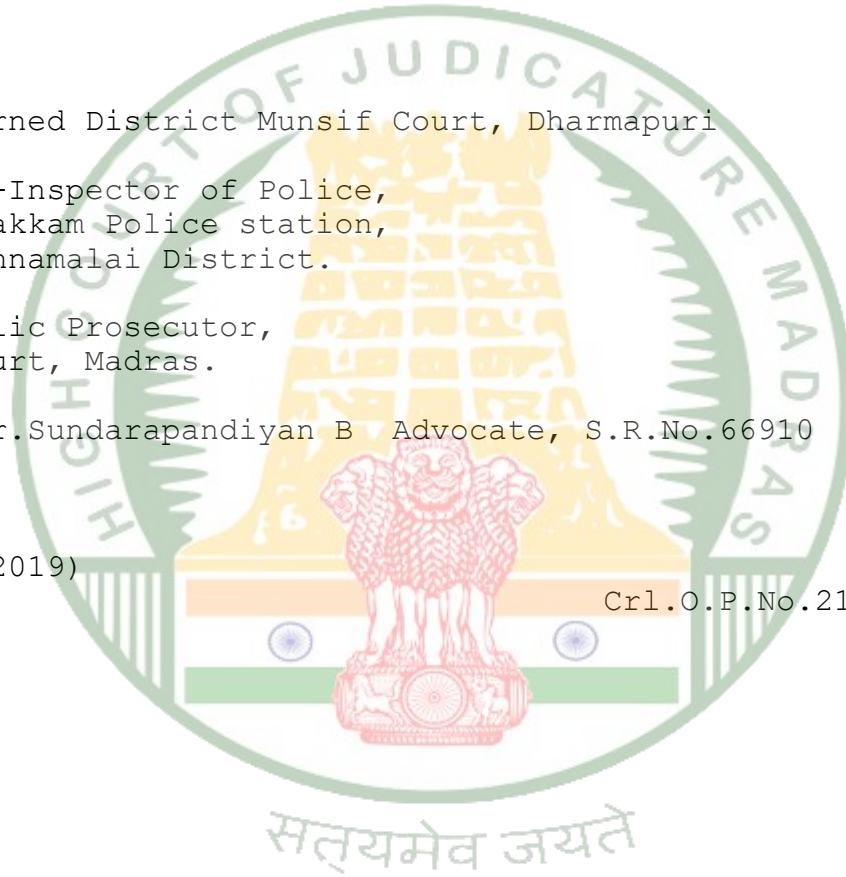
2.The Sub-Inspector of Police,
Kalasapakkam Police station,
Thiruvannamalai District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Sundarapandiyan B Advocate, S.R.No.66910

PPA(CO)
CB(04/09/2019)

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