

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.23454 of 2019

Suseela

... Petitioner

Vs.

1. The State represented by
Superintendent of Police,
Villupuram District,
Villupuram.
 2. The Station House Officer,
Chinnasalem Police Station,
Chinnasalem Taluk,
Villupuram District.
 3. R.Sakthivel
- ... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 2nd respondent police to give police protection for cultivating process in the rainy season, consequently safe passage for men, crops in S.F.No.355/2B1 measuring about 2.21 acres(89.50 arcs) situated at Chinnasalem South Village, Chinna Salem Taluk, Villupuram District, within the jurisdiction of 2nd respondent police.

For Petitioner : Mr.T.Arun Kumar

For Respondents: Mr.M.Mohamed Riyaz
Additional Public Prosecutor
for R1 & R2.

ORDER

This petition has been filed seeking for a direction to the respondent police to grant police protection to the petitioner to prevent the 3rd respondent from interfering with the property.

2.It is seen from records that the entire property became a subject matter of a partition suit in O.S.No.357 of 2005 before the Principal District Munsif Court, Kallakurichi. Ultimately a final decree came to be passed on 12.07.2013 and earmarked

property was allotted to the petitioner. The petitioner was also given possession of the property.

3.The petitioner approached this Court and filed writ petition in W.P.No.22259 of 2018 for a direction to the Tahsildar to survey the property and lay boundary stones. This Court disposed of the writ petition by an order dated 30.08.2018, by directing the Tahsildar to consider the representation and take appropriate action.

4.The 3rd respondent approached this Court for a direction to the Tahsildar to grant patta for the very same property. This Court dismissed the writ petition by an order dated 22.03.2019 and held that the rights over the property has already been finalised by a competent civil court and therefore no orders can be passed in the writ petition. The 3rd respondent was also given liberty to place his objections before the Tahsildar at the time of surveying the property.

5.The grievance of the petitioner is that in spite of the above orders passed in favour of the petitioner, the 3rd respondent is continuing to cause threat and interfere with the possession and enjoyment of the property. The petitioner had given a complaint before the respondent police on 01.05.2019 seeking for police protection and since no action has been taken on the complaint, the present petition has been filed before this Court.

6.Heard, the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent police.

7.Taking into consideration the facts and circumstances of the case, the 2nd respondent police is directed to call the parties for an enquiry and instruct the 3rd respondent not to interfere with the possession and enjoyment of the property of the petitioner, since the rights of the parties have already been finalized by a competent civil court. The 3rd respondent will not permitted to go against the decree of the civil Court. If in spite of the same, the 3rd respondent causes any threat or interference, appropriate action shall taken against him in accordance with law.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

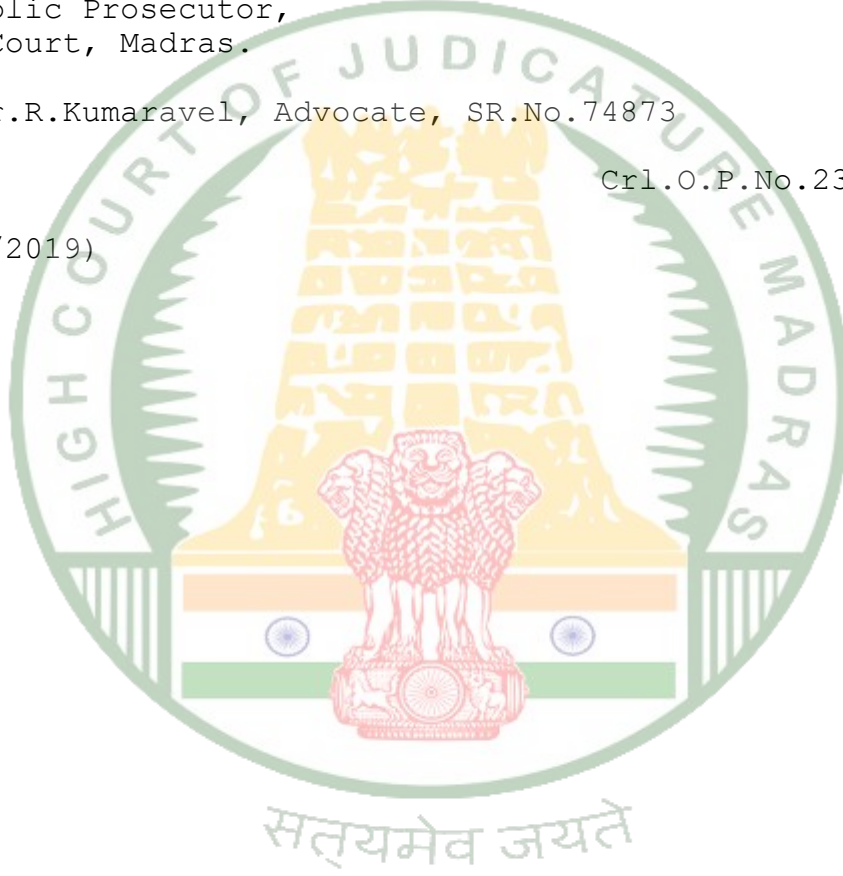
To

1. The Superintendent of Police,
Villupuram District,
Villupuram.
2. The Station House Officer,
Chinnasalem Police Station,
Chinnasalem Taluk,
Villupuram District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Kumaravel, Advocate, SR.No.74873

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Kak(03/09/2019)



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