

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2019

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.23163 of 2019

E.Chandra

.. Petitioner

/versus/

1.The Inspector of Police,
J-7. Velachery Police Station,
Velachery, Chennai.

2.Komalavalli

.. Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, praying to direct the 1st respondent police to provide police protection to the petitioner's property situated at Ram Nagar 6th Main Road, Velacherry, Chennai, comprised in S.No.339/1B, land measuring to an extent of 3 grounds.

For Petitioner :Mr.R.Veeraraghavan

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

O R D E R

This petition has been filed seeking for police protection to the petitioner to safeguard her property.

2. It is seen from records that the petitioner along with her husband has already filed a suit against the second respondent in O.S.No.3075 of 2017, seeking for the relief of permanent injunction. The suit was decreed by judgment and decree dated 06.01.2018. This decree according to the petitioner has become final.

3. It is also seen from records that a case was given against the second respondent for land grabbing and an order was also passed by the Executive Magistrate. This order became a subject matter of challenge before this Court in Crl.R.C.No.1064 of 2013 and this Court by an order dated 13.11.2017 upheld the

order of the Executive Magistrate and gave a specific finding that there are materials to show that the second respondent is involved in the offence of land grabbing.

4. In spite of the above, the second respondent continues to exert threat and prevent the petitioner from enjoying her property. Therefore, a complaint was given before the respondent police, seeking for police protection and since the same was not acted upon, 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 the respondent police.

6. Taking into consideration the facts and circumstances of the case, the first respondent police is directed to call all the parties for an enquiry and instruct the second respondent not to cause threat or interfere with the possession and enjoyment of the property of the petitioner. If the second respondent continues to interfere with the possession and enjoyment of the property, appropriate action shall be taken against her in accordance with law. It is always left open to the second respondent to workout her remedy in accordance with law only before the appropriate Civil Court and she cannot be permitted to take law into her own hands.

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

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Sd/-

Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
J-7. Velachery Police Station,
Velachery, Chennai.

2. The Public Prosecutor,
High Court of Madras.

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Kak(01.10.2019)