

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.25718 of 2017

Jagadha

...Petitioner

Vs.

1.The State rep. by
The Superintendent of Police,
Dharmapuri District.

2.The Inspector of Police,
Thoppur Police Station,
Dharmapuri District.

3.Muthusamy

4.Chinnaponnu

5.Raji

6.Mohan

7.Senthil

....Respondents

Prayer :- Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 1st respondent to conduct enquiry and give police protection to the petitioner for fencing his property in S.No.376 of 2013 measuring an extent of 706½ sq.ft Thoppur Taluk, Dharmapuri District in view of the petitioner's complaint dated 13.11.2017.

For Petitioner : Mr.V.Sakkarapani

For RR1 & 2 : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

For RR3 to 7 : Mr.T.Ganesan

O R D E R

This petition has been filed seeking police protection to the petitioner for fencing his property.

2.It is seen from records that the petitioner has filed a suit for declaration in O.S.No.44 of 2003 before the District Munsif Court, Dharmapuri. Though, sufficient time was given for the 3rd respondent to file written statement, he has not filed the same. Hence, the learned District Munsif, Dharmapuri has passed an exparte decree in favour of the petitioner. Though, respondents filed a set aside application, the same was dismissed. Hence, the exparte decree has become final. Now, the respondents 3 to 7 in order to grab the petitioner's property threatening the petitioner and preventing him to put up fence in his property. It is further seen that the petitioner has sent a representation to respondents 1 and 2 in this regard. Since, no action has been taken, the present petition has been filed with the aforesaid prayer.

3.Heard both sides.

4.Admittedly, the petitioner has got an exparte decree in his favor. The respondents 3 to 7 instead of approaching the appropriate forum, has taken law into their own hands and preventing the petitioner from fencing his property. It is also seen that the complaint was made in the year 2017. Now, almost two years have been lapsed. Hence, due to lapse of period, the prayer sought for by the petitioner cannot be granted now. However, the petitioner is at liberty to file a fresh petition before the respondent 1 and 2, on fresh cause of action, if so advised. On such receipt of the petitioner, the respondents 1 and 2 is directed to consider the petition and take action in accordance with law within a period of two weeks from the date of receipt of the petition.

5.With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

rm

To

1.The Superintendent of Police,
Dharmapuri District.

2.The Inspector of Police,
Thoppur Police Station,
Dharmapuri District.

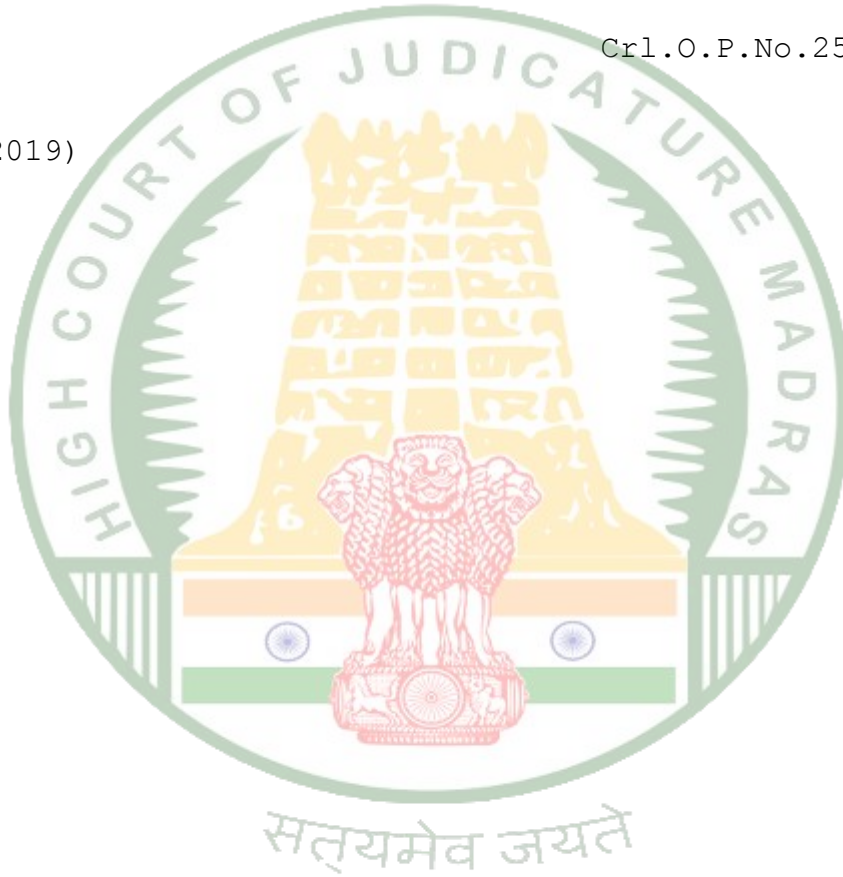
3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.Ganesan, Advocate, S.R.No. 28820

+1cc to Mr.V.Sakkarapani, Advocate, S.R.No. 29369

Cr1.O.P.No.25718 of 2017

SSD(CO)
GN(06/05/2019)



WEB COPY