

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.03.2019

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.26065 of 2017

G.Balakrishnan

...Petitioner

Vs.

1.The State represented by
Inspector of Police,
Neravy Police Station,
Karaikal.

2.S.Rajagopal
3.R.Arputham
4.R.Chelladurai
5.R.Mohan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the 1st respondent to provide adequate protection to the petitioner and his family members while enjoying the property comprised in Re Survey No.136, Old Survey Nos.579, 580, patta No.332, admeasuring 6 Ares situated at No.30, Ooziapattu Village, Neravy (Via), Karaikal on the basis of Decree and Judgment dated 28.10.2011, passed in O.S.No.20 of 2010 on the file of the District Court at Karaikal.

For Petitioner : Mr.R.Saravanan

For R1 : Mr.V.Balamurugan
Additional Public Prosecutor(Pondy)

For R2 to R5 : Mr.K.Govi Ganesan

ORDER

The prayer sought in the petition is to direct the first respondent/Inspector of Police, Neravy Police Station, Karaikal to provide adequate protection to the petitioner and his family members while enjoying the property comprised in Re Survey No.136, Old Survey Nos.579, 580, patta No.332, admeasuring 6 Ares situated at No.30, Ooziapattu Village, Neravy (Via),

Karaikal. The petitioner wants police protection based on decree and judgment dated 28.10.2011 passed in O.S.No.20 of 2010 on the file of the District Court, Karaikal.

2. It is the case of the petitioner that the suit filed for declaration and injunction against the respondents 2 to 5 ended in his favour. Therefore, he filed Execution petition before the District Court in E.P.No.32 of 2012, wherein sought the arrest of the judgment debtor for breach of injunction decree, claiming there is an imminent threat of dispossession and inference by the respondents 2 to 5. Execution Court allowed E.P.No.32 of 2012. Against that, Civil Revision Petition filed by the respondents 2 to 5, challenging the order passed by the District Court in E.P.No.32 of 2012 dated 25.04.2014. In the said revision petition CRP(NPD).No.1674 of 2015, this Court ordered status quo, pending disposal of CRP and A.S.No.168 of 2012. It is alleged in this petition, that taking advantage of the status quo order the respondents 2 to 5 are trying to dispossess him. Therefore, he needs police protection.

3. The learned counsel appearing for the State would submit that the petition which was filed in Crl.O.P.No.26065 of 2017, apprehending threat of dispossession is baseless and there is no threat to the petitioner regarding the enjoyment of the property.

4. The learned counsel appearing for the respondents 2 to 5 has filed a counter wherein he has stated that the decree passed in O.S.No.20 of 2010 dated 28.10.2011 is under appeal and subject matter of A.S.No.168 of 2012, which is still pending on the file of High Court. Further, the order of arrest passed by the Execution Court in E.P.No.32 of 2012 has been stayed by this Court in C.R.P (NPD) No.1674 of 2015. Further, this Court has also granted status quo till the disposal of CRP. The Registry is also directed to tag the CRP.(NPD).No.1674 of 2015 along with A.S.No.168 of 2012. Possession of the disputed property is with the respondents 2 to 5. Therefore, there is no question of dispossession and breach of injunction.

5. Heard the counsel and their respective submissions.

6. It is the case regarding title and right of enjoyment over a property which is now subject matter of A.S.No.168 of 2012. This Court has seized of the matter and ordered status quo. If there is any issue regarding status quo prevailed on the date of order, it is open to the party to get clarification from the Court which passed the order of status quo. It is needless to involve the police when the Court has already seized the matter to look into both title and possession. Therefore, this Court finds that the relief sought in this Criminal Original Petition cannot be granted. Hence, petition dismissed.

7. Accordingly, this Criminal Original Petition stands dismissed.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

rpl

To

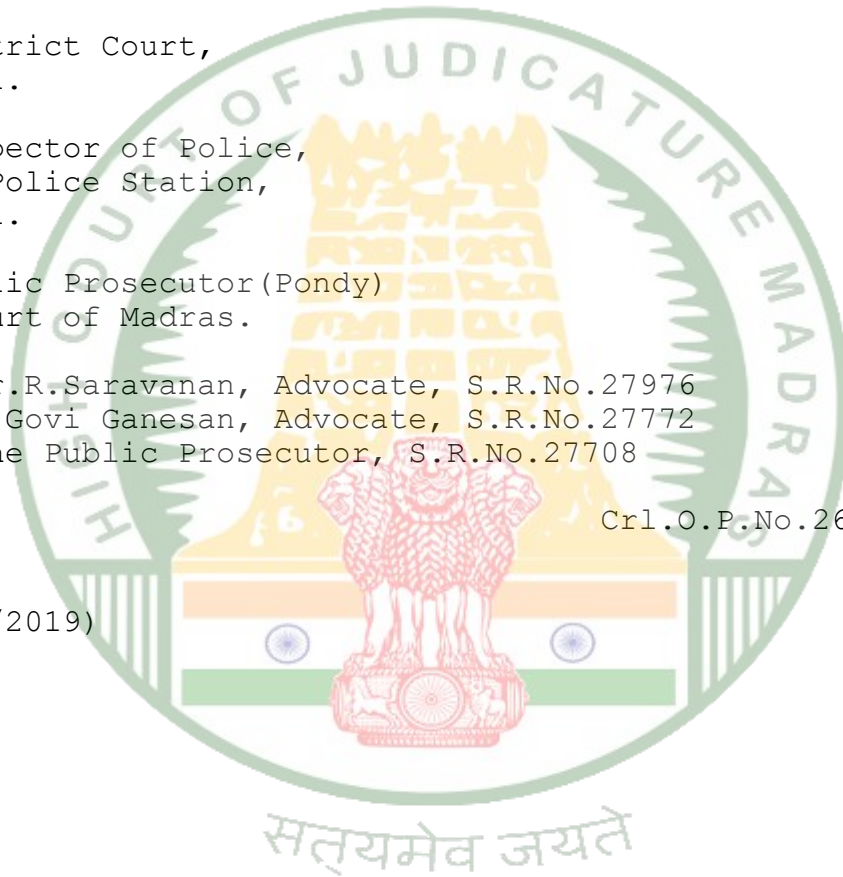
- 1.The District Court,
Karaikal.
- 2.The Inspector of Police,
Neravy Police Station,
Karaikal.
- 3.The Public Prosecutor(Pondy)
High Court of Madras.

+1cc to Mr.R.Saravanan, Advocate, S.R.No.27976
+1cc to K.Govi Ganesan, Advocate, S.R.No.27772
+1cc to the Public Prosecutor, S.R.No.27708

Cr1.O.P.No.26065 of 2017

SJ(CO)

RRS (08/05/2019)



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