IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.29479 of 2017

S.Daniel ...Petitioner

-Vs-

1.The Superintendent of Police
Kancheepuram District.

2. The District Superintendent of Police,
Kancheepuram District.

3. The Inspector of Police,
E-1, Mahabalipuram Police Station,
Kancheepuram District.

4. Vijaya Seeli Devaraj

5.V.P.M. Vasantha Seeli

6. V.P.M. Kanaga Seeli

7. V.P.M. Kasthuri Seeli

8. V.P.M. Pattu Rani

9. V.P.M. Thilagarani

10. V.P.M. Subbash Chandra Bose

11. V.P.M. Thilagaraj ... Respondents

Prayer: Criminal Original petition filed under Section 482 of Cr.P.C to direct the respondent police to provide police protection in Old Paimash Number 365, Old S.No.346/2 (as per patta new S.No.346/2A1A, 2A3A1, 2A3A3A, 2A5A, 2B) situated at Kancheepuram District, Thiruporur Taluk, Sub-District, Kelambakkam Firka, Thiruvidathai Village and to demolish the wall constructed by 11th respondent except schedule mentioned in survey no.346/2A3A1 (0.33 cent) for the purpose of safeguard the interest of petitioner.

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For Petitioner : Mr.R.Muniyapparaj
For R1 to R3 : Mr.C.Raghavan, Government Advocate
For R4 : Mr.A.R.Nixon
For R5 to R10 : Mr.S.Nambirajan

ORDER

This Criminal Original Petition has been filed seeking for police protection.

2. The learned counsel appearing on behalf of the private respondents submitted that by misusing the order of police protection granted by this court, the petitioner who had claim right over a smaller extent of land in the suit has fradulently taken over a larger extent of land. When that was brought to the notice of the Civil Court, the Civil Court had expressed the view that this Court had passed the order granting police protection and therefore, no further orders can be passed in the suit.

3. It is made clear that grant of police protection does not in any way confer any right or title over the property to the petitioner or the respondent and this is an issue which has to be independently proved before the competent Civil Court. The police protection was granted only on prima facie materials and it will not absolutely have any binding force on the merits of the case, which is the subject matter in the pending suit. If according to the respondent, the order of police protection has been misused and a larger extent of land has been trespassed by the petitioner, it is always open to the respondent to raise the said issue before the Civil Court and even seek for restitution and the Civil Court shall consider the claim based on the evidence adduced by the parties in the suit and strictly on the merits of the case. The order passed by this Court will have no bearing on the decision to be taken by the competent Civil Court.

This Criminal Original Petition is disposed of with the above clarification.

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Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police
Kancheepuram District.

2. The District Superintendent of Police,
Kancheepuram District.

3. The Inspector of Police,
E-1, Mahabalipuram Police Station,
Kancheepuram District.

4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Muniyapparaj, Advocate sr.45306
+1cc to Mr.A.R.Nixon, Advocate sr.45723

Crl.O.P.No.29479 of 2017

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nr 26/06/2019

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