

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.24159 of 2018

M.Baskar

... Petitioner

Vs.

- 1.M.Parameshwari
- 2.E.Rajakumari
- 3.Sampath
- 4.Selvamani
- 5.Kamalakannan

6.The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
Chennai South, Butt Road,
St.Thomas Mount, Chennai 16.

7.The Inspector of Police,
S-14, Peerkankaranai Police Station,
Peerkankaranai,
Chennai - 600 063

... Respondents

PRAYER:

Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondents 6 and 7 to give necessary police protection to this petitioner to put up the Compound Wall with respect to the property situated in Old Survey No.134/3, in New Survey No.134/69, Perungalathur Village, Chengalpattu Taluk, Kancheepuram District from the unlawful interference by Respondents 1 to 5.

For Petitioner : Mr.N.Jyothi,
for Mr.D.Sivakumar

For Respondents: Mr.A.V.Bharathi for R1 and R5
: Mr.G.Murugeshkumar for R2
: Mr.M.Balasubramanian for R3
: Mr.M.Mohamed Riyaz,
Additional Public Prosecutor
for R6 and R7

ORDER

This petition has been filed to direct the respondents 6 and 7 to give necessary police protection to the petitioner to put up Compound Wall.

2. It is seen that consequent on the re-confirmation of Title and Possession of the property relating to the petition property by means of the Judgment and Decree dated 30.07.2018 of the learned Additional District Court, Kancheepuram in O.S.No.48 of 2012, the petitioner started constructing the compound wall to secure the property. On the strength of the same, EP.No.45 of 2012 was filed, as against which the counter party respondents 1 to 5 preferred an appeal in A.S.No.44 of 2019 before this Court and also filed stay petition in C.M.P.No.2333 of 2019 in which the parties have consented for the following order:

"a) That the respondents shall be permitted to put up the Compound Wall around the suit property. However, the construction of the Compound Wall will not confer any rights and the same will be subject to the result of the 1st appeal.

b) That the learned Counsel Mr.N.Jothi, has given an undertaking that the respondents will not alienate the property pending the 1st appeal the said undertaking is recorded."

3. Accordingly the respondent therein was permitted to put up the compound wall around the suit property. Even before this order, the petitioner made representation on 04.09.2018 to the seventh respondent herein seeking police protection to construct the compound wall.

4. Considering the above facts and circumstances of the case, the petitioner is directed to submit a fresh representation to the seventh respondent seeking police protection to construct the compound wall on payment of necessary charges. On receipt of the same, the seventh respondent is directed to provide adequate police protection in view of the consented order passed by this Court in C.M.P.Nos.2333 and 2335 of 2019 in A.S.No.44 of 2019 within a period of four weeks thereafter.

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

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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To

1. The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
Chennai South, Butt Road,
St.Thomas Mount, Chennai 16.

2.The Inspector of Police,
S-14, Peerkankaranai Police Station,
Peerkankaranai,
Chennai - 600 063

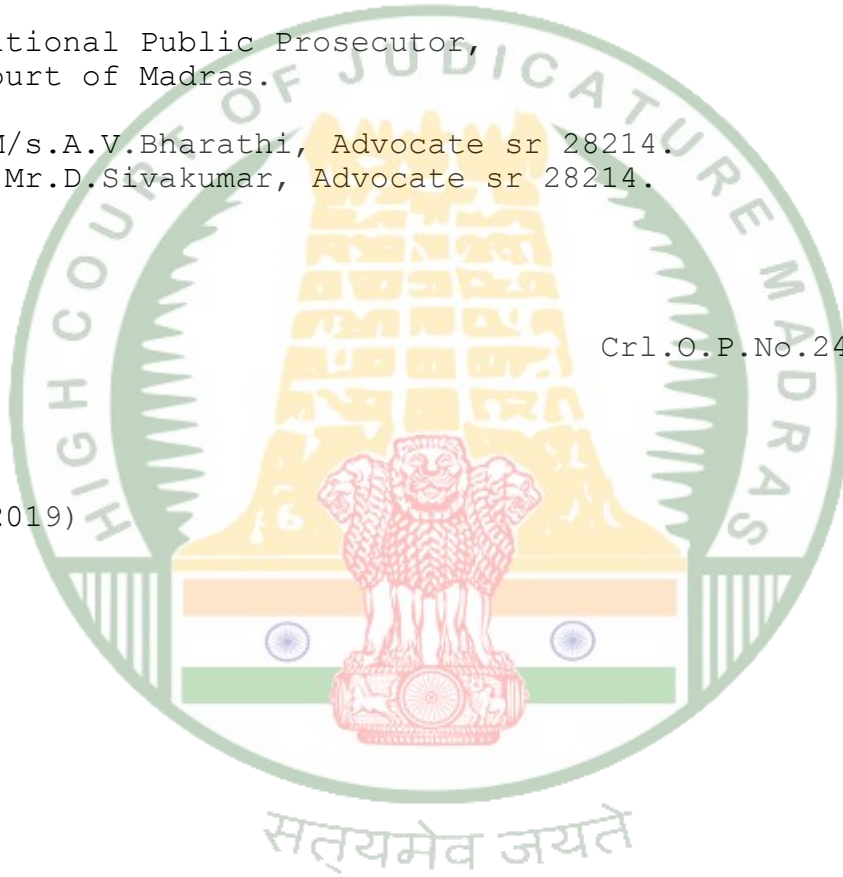
3.The Additional Public Prosecutor,
High Court of Madras.

+1 CC to M/s.A.V.Bharathi, Advocate sr 28214.

+2 Ccs to Mr.D.Sivakumar, Advocate sr 28214.

CrI.O.P.No.24159 of 2018

KAN(CO)
SP(23/04/2019)



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