



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2019

CORAM :

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

CRL.O.P. (MD) No.3693 of 2019

M.Raja

... Petitioner

Vs.

1. The Superintendent of Police,
Madurai District.
2. The Sub Inspector of Police,
Uthappanaickanur Police Station,
Madurai District.
3. Mookan
4. Ucha Thevar
5. Dhanaraj
6. Manickam
7. Jayakodi

... Respondents

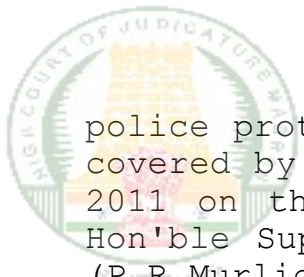
Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C., to direct the second respondent herein to provide adequate police protection to the petitioner and his family members at the time of harvest the paddy crops in their fields on the basis of representation given by the petitioner dated 01.03.2019 within the time stipulated by this Court.

For Petitioner : Mr.R.Anand for M/s.S.Sathiya Chidambaran
For R-1 & R-2 : M/s.Suyambulinga Bharathi.
Government Advocate(Crl. Side).

O R D E R

The Writ petitioner herein filed O.S.No.83 of 2011 before the District Munsif Court, Usilampatti, seeking the relief of declaration, mandatory injunction and permanent injunction. The suit was decreed on 07.02.2017. Defendants 1 to 7 are said to have filed a first appeal questioning the said Judgment and Decree. But as on date, no interim order has been granted in the first appeal against the petitioner herein.

2. The petitioner states that he is presently owning 2 acres and 39 cents in survey No.209/1B1, Poduvarpatti Village, Usilampatti Taluk. The petitioner states that he had brought the said land under cultivation and that crops are ready for harvest. He wants this Court to grant him an order of police protection. Even though the petitioner would strongly contend that the police protection must be granted in his favour so that he can harvest the crops spread over the entire extent of 2 acres and 39 cents, I am of the view that



police protection can be given only in respect of the suit schedule covered by the Judgment and Decree dated 07.02.2017 in O.S.No.83 of 2011 on the file of the District Munsif Court, Usilampatti. The Hon'ble Supreme Court in the decision reported in (2006) 4 SCC 501 (P.R.Murlidharan V. Swami) held as follows:-

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"A writ for 'police protection' so-called, has only a limited scope, as, when the Court is approached for protection of rights declared by a decree or by an order passed by a civil Court. It cannot be extended to cases whether rights have not been determined either finally by the civil Court or, at least at an interlocutory stage in an unambiguous manner, and then too in furtherance of the decree or order."

3. This Court whether in exercise of jurisdiction under Article 226 of the Constitution of India or Section 482 of the Criminal Procedure Code will be justified in directing police protection only to aid the enforcement of the civil Court's injunction or decree. The decree passed by the civil Court covers only 80 cents. Therefore to that extent, the petitioner is entitled to grant of police of protection. This Court is constrained to pass an order of police protection, taking note of the fact that as many as three First Information Reports have been registered and the petitioner's wife was also subjected to brutal assault resulting in her hospitalization.

4. The petitioner's counsel states that after the suit proceedings concluded in the trial Court, he purchased the remaining extent of land on 04.10.2018 in the name of the petitioner's wife. He also pointed out that the local Village Administrative Officer has issued possession certificate in his favour. Merely because this Court has stated that the police protection will be confined to what was covered by the civil Court decree that does not mean this Court has held against the petitioner in respect of the remaining extent of the land.

5. With this observation, this Criminal Original petition stands partly allowed.

Sd/-

Assistant Registrar(AD-I)

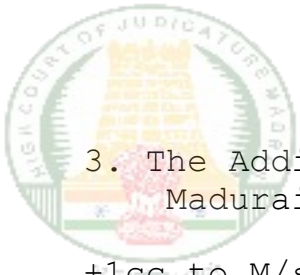
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Sub Assistant Registrar

To

1. The Superintendent of Police,
Madurai District.

2. The Sub Inspector of Police,
<https://hcservices.ecourts.gov.in/hcservices/>
Uthappanar Kanur Police Station,
Madurai District.



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

+1cc to M/s.S.Sathiya Chidambaran, Advocate, SR.No.57007

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SP/28.03.2019/ 3P/5C