



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2019

WEB COPY

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Cr1.O.P. (MD) No.5227 of 2019

Arulmigu Mottayasamy Kovil
Represented by its Managing Trustee
H.Uyyarani,
8.Nanmai Tharuvar Koil Street,
Madurai-1.

.. Petitioner

Vs.

1.The Supreintendent of Police,
Sivagangai District,
Sivagangai.

2.The Inspector of Police,
Thirupuvanam Police Station,
Thirupuvanam,
Sivagangai District.

3.Selvaraj

.. Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, directing the respondents 1 and 2 to afford/provide police protection for enforcing the decree made in O.S.No.181 of 2013, on the basis of the complaint dated 20.03.2019.

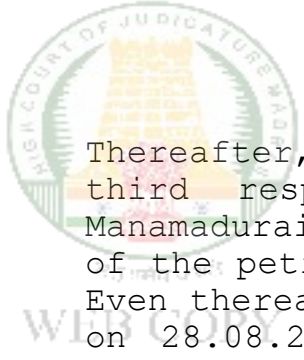
For Petitioner : Mr.R.G.Shankar Ganesh

For R1 and R2 : Mr.A.G.P.Ohm Chairma Prabhu
Government Advocate (Cr1. Side)

ORDER

This Criminal Original Petition has been filed seeking a direction to the respondents 1 and 2 to afford/provide police protection for enforcing the decree made in O.S.No.181 of 2013, on the basis of the complaint dated 20.03.2019.

2.The case of the prosecution is that the petitioner is Managing trustee of the private temple, namely, Arulmigu Mottaya Samy Thirukovil and the third respondent encroached the property and tried to construct a building thereon, for which, the petitioner filed a complaint before the Inspector of Thirupuvanam Police Station in the year 2013 and stopped the construction activities.



Thereafter, the petitioner has filed O.S.No.181 of 2013, against the third respondent, before the learned District Munsif Court, Manamadurai. After the trial Court, the suit was decreed in favour of the petitioner temple and permanent injunction was also granted. Even thereafter, the third respondent tried to encroach the property on 28.08.2015 with help of some rowdy elements, for which, the petitioner filed Crl.O.P.(MD) No.23625 of 2015, before this Court seeking police protection. Even thereafter, the third respondent again tried to encroach the property. Hence, the petitioner being left with no other alternative remedy except to approach this Court seeking for the relief of police protection has filed this present petition.

3.The learned counsel appearing for the petitioner would submit that the Competent Civil Court granted decree in favour of the petitioner temple and the third respondent in order to defeat the decree tried to encroach the property. Hence, he filed a present petition. Though the prayer before this Court is not maintainable, liberty may be granted to the petitioner to file an appropriate petition before the Competent Civil Court in order to implement the earlier order of the Competent Civil Court.

4.In view of the submission made by the learned counsel for the petitioner, this Court is not inclined to grant relief sought by the petitioner. Accordingly, this Criminal Original Petition is dismissed with liberty to the petitioner to file an appropriate petition before the Competent Civil Court.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Supreintendent of Police,
Sivagangai District, Sivagangai.
- 2.The Inspector of Police,
Thirupuvanam Police Station,
Thirupuvanam, Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.G.SHANKAR GANESH, Advocate in SR-59992

Crl.O.P. (MD)No.5227 of 2019
08.04.2019