



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Crl.O.P.(MD)No.6313 of 2019

Havva Ammal

... Petitioner

/Vs./

1.The Superintendent of Police,
Ramanathapuram, Ramanathapuram District.

2.The Inspector of Police,
Keynikarai Police Station, Ramanathapuram District.

3.Mohamed Sherif

... Respondents

Prayer: Petition - filed under Section 482 of the Criminal Procedure Code, to direct the 1st and 2nd respondents to protect the petitioner's life from the third respondent and give proper protection to demolish the encroached property, encroached by the third respondent in the petitioner's land on disposing of the petitioner's representation dated 01.02.2019.

For Petitioner : Mr.M.Iniyavan

For R-1& & R-2 : Mr.V.Neelkandan

Additional Public Prosecutor

ORDER

This petition is filed to direct the 1st and 2nd respondents to protect the petitioner's life from the third respondent and give proper protection to demolish the encroached property, encroached by the third respondent in the petitioner's land on disposing of the petitioner's representation dated 01.02.2019.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor.

3. The learned counsel appearing for the petitioner submitted that earlier on claiming right over an immovable property, the petitioner laid a suit in O.S.No.300 of 1988 before the District Munsif Court, Ramanathapuram and that came to be dismissed. Challenging the said decree, the petitioner has preferred A.S.No.15 of 1994 before the Sub Court, Ramanathapuram and that came to be allowed. Aggrieved by the same, the third respondent and others preferred a second appeal in S.A.(MD)No.556 of 1996 before this Court and that came to be dismissed for non-prosecution. Thereafter, the petitioner attempted to remove the construction put up by encroaching the petitioner's property.



4. The learned Additional Public Prosecutor submitted that the complaint preferred by the petitioner is pending.

5. It appears that the petitioner has an executable decree and if at all he has right that comes his way under the decree, he has to move the Civil Court for executing the same.

6. For the present, if the petitioner alleges that she faces threat to her life, limb and liberty from the third respondent, she is directed to give a fresh complaint to the second respondent and on such fresh complaint, the second respondent is directed to enquire into the complaint filed by the petitioner and take such appropriate decision as may be necessary to protect the life, limb and liberty of the petitioner. It is made clear that this Court does not order granting of police protection 24 x 7 and the second respondent is left to decide on the basis of the objective assessment of the threat perception of the petitioner from time to time.

7. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Superintendent of Police,
Ramanathapuram, Ramanathapuram District.
- 2.The Inspector of Police,
Keynikarai Police Station, Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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CS: (04/06/2019) 2P 4C