



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.(MD)No.8902 of 2019

WEB COPY

K.Palaniammal

... Petitioner

Vs.

1.The Commissioner of Police,
Tiruchirappalli City, Tiruchirappalli.

2.The Inspector of Police,
Fort Police Station,
Thiruchirappalli City.

3.M.H.Karimudeen

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the first and second respondent herein to give necessary adequate police protection on the basis of the petitioner's representation dated 04.06.2019.

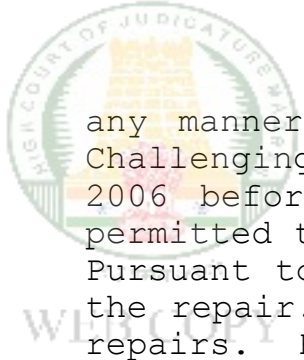
For Petitioners : Mr.P.Kalaiyarasi Bharathi
For R1 and R2 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

ORDER

This petition has been filed to direct the second respondent to give adequate police protection to the petitioner based on her representation dated 04.06.2019.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the official respondents and perused the materials placed on record.

3. The petitioner and her daughter, who is a retired school teacher, are residing in 1/R, Karikadai Lane, East Andar Street, Tiruchirappalli, which was occupied by her husband in the year 1950. Since then, the petitioner's family was in possession and enjoyment of the said property. When the third respondent waqf board tried to interfere with the possession of the petitioner, the petitioner filed a suit in O.S.No.1857 of 2005 on the file of the learned District Munsif, Tiruchirappalli and also obtained an order of injunction. Thereafter, the third respondent filed a petition before the Waqf Tribunal (Principal Subordinate Judge), Tirunirappalli, in Waqf O.P.No.5 of 2005 to evict the petitioner and the same is pending. In the meanwhile the respondent filed a petition in I.A.No.276 of 2005 seeking permanent injunction restraining the petitioner's husband to put up any construction in



any manner in the property in dispute and the same was allowed. Challenging the same, the petitioner filed CRP (PD)(MD)No.251 of 2006 before this Court and this Court by order dated 25.09.2006 permitted the petitioner to carry out minor repairs in the premises. Pursuant to the same now the petitioner is taking steps to carry out the repair. But the third respondent is preventing him from making repairs. Hence, the petitioner made a representation to the second respondent to provide police protection. So far the said representation is not considered. Hence, the present petition has been filed.

4. A perusal of the records, it could be seen that the petitioner has already approached the civil Court and also obtained an order of injunction. The said suit is pending. Likewise, the third respondent also filed an eviction petition, which is also pending. Thus, if at all the petitioner now wants to carry out any repairs in the property in question, it is always open to her approach the concerned civil Court to obtain an order for carry out repairs. Now the petitioner cannot seek any police protection based on the order given in the year 2006. The relief as such sought for by the petitioner cannot be granted at this stage. Accordingly, this Criminal Original Petition is dismissed. It is always open to the petitioner to approach the Civil Court to obtain necessary orders for carry out repairs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Commissioner of Police,
Tiruchirappalli City,
Tiruchirappalli.

2.The Inspector of Police,
Fort Police Station,
Thiruchirappalli City.

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

+1 CC to M/s.P.KALAIYARASI BHARATHI, Advocate SR-71666.