



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2019

CORAM

THE HONOURABLE MR. JUSTICE B. PUGALENDHI

CRL.O.P. (MD) No. 1059 of 2016

Palanichamy

... Petitioner

Vs.

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

2. The Inspector of Police,
Rajapalayam North Police Station,
Rajapalayam, Virudhunagar District.

3. Samuthiram

4. Pathinattampadian

5. Vijaya

... Respondents

PRAYER : Petition filed under Section 482 of the Criminal Procedure Code, to direct the second respondent to award adequate police protection to the petitioner and enabling the petitioner to go up with the construction works in the No.11/1A2 and Survey No.11/1A Rajapalayam Town, Virudhunagar District in light of the Judgment and Decree delivered by the learned Additional District Munsif Court, Sriviliputhur in O.S. No.1094 of 2004, dated 08.11.2012 by considering the petitioner's representation dated 12.01.2016.

For Petitioner : Mr.R. Nireesh Kumar

For Respondents-1 &2 : Mr. A. Robinson

Government Advocate (Crl. Side)

For Respondent-3 to 5 : Mr. M. Solaisamy

ORDER

This Criminal Original Petition has been filed by the petitioner for direction to the second respondent police to provide police protection to the petitioner for the purpose of his construction in Survey Nos.11/1A2 and No.11/1A, Rajapalayam Town, Virudhunagar District, based on the Judgment and Decree in O.S. No.1094 of 2004, dated 08.11.2012 passed by the learned Additional District Munsif Court, Sriviliputhur, based on his representation, dated 12.01.2016.

2. The petitioner in support of his petition has made a representation, dated 12.01.2016 that the respondents-3 to 5 have obstructed him from constructing his building in his property on 08.01.2016 and has been forcibly through away from his property. The petitioner had also relied upon the Judgment and Decree, dated



08.11.2012, in O.S. No.1094 of 2004, passed by the learned Additional District Munsif, Sriviliputhur, in his favour, with regard to the property in Survey Nos.11/1A2 and No.11/1A .

3. The learned counsel appearing for the respondents-3 to 5 submitted that the petitioner is attempting to obstruct the pathway and therefore, they have objected.

4. The learned Government Advocate (Criminal Side) on instructions submitted that in view of the petition pending before this Court they have acted upon the petitioner's representation dated 12.01.2016.

5. Admittedly, as against the Judgment and Decree, dated 08.11.2012 in O.S. No.1094 of 2004, no appeal has been filed by the respondents-3 to 5. In view of the same, this petition is allowed with a direction to the second respondent police to act upon the petitioner's representation, dated 12.01.2016 and to register a case as against who are obstructing the petitioner, from constructing the house in his property in Survey Nos.11/1A2 and 11/1A, as per Judgment obtained in O.S. No.1094 of 2004. If any further obstruction is made to the petitioner in enjoying of his property, second respondent/police shall register a complaint and act in accordance with law.

6. With these directions, this Criminal Original Petition is closed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(co)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Virudhunagar District, Virudhunagar.
 2. The Inspector of Police,
Rajapalayam North Police Station,
Rajapalayam, Virudhunagar District.
 3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
 4. The Additional District Munsif Court,
Sriviliputhur(for Information)
- +1cc to Mr.M. Solaisamy,Advocate, SR.No.51293

Cr1.O.P. (MD)No.1059 of 2016