

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATE: 03.07.2019

CORAM

THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN**Cr1.O.P. (MD) .No.4599 of 2017**

WEB COPY

P.Kumar

... Petitioner

-Vs-

1. The Superintendent of Police,
Tirunelveli District.2. The Inspector of Police,
Tenkasi Police Station,
Tirunelveli District.

3.R.Pichaiah

4.P.Madasami

... Respondents

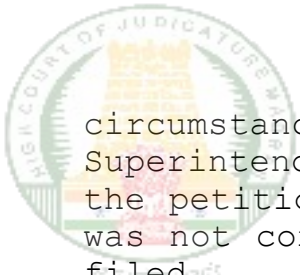
Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the Inspector of Police, Tenkasi Police Station, Tirunelveli District to award adequate police protection so as to enable the petitioner to restore the gates in the pathway situated adjacent to his house on the basis of judgment in O.S.No.476 of 2008, dated 06.08.2013, delivered by the learned Principal District Munsif, Tenkasi, Tirunelveli District.

For Petitioners : Mr.R.Anand
For R1 & R2 : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed seeking a direction to the second respondent to provide adequate police protection to the petitioner enabling him to restore the gates in the pathway situated adjacent to his house.

2. The learned counsel appearing for the petitioner would submit that there is a civil dispute between the petitioner and the respondents 3 and 4 and the petitioner and his family members filed a suit in O.S.No.476 of 2008 before the learned Principal District and Sessions Judge, Tenkasi against the respondents 3 and 4 for declaration and permanent injunction in respect of the portions in Door Nos.14A/120 and 14B/121. The suit was decreed on 06.08.2013 in favour of the petitioner. Challenging the judgment and decree, the respondents 3 and 4 have filed an appeal in A.S.No.35 of 2013, before the Sub Court, Tenkasi and there is no interim order served on the respondents. While so, one Sudha with the help of her neighbours has illegally trespassed into the petitioner's property and also removed the gates. In such



circumstances, the petitioner has given a complaint before the Superintendent of Police, Tirunelveli to give police protection to the petitioner enabling him to restore the gates and since the same was not considered, the present criminal original petition has been filed.

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3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondents 1 and 2.

4. On perusal of the records, it is seen that the petitioner and his family members filed a suit in O.S.No.476 of 2008 against the respondents 3 and 4 and the same was decreed in favour of the petitioner and challenging the same, the respondents 3 and 4 filed an appeal in A.S.No.35 of 2013 and the appeal is pending. The grievance of the petitioner is that one Sudha has illegally trespassed into the property of the petitioner and remove the gates and in order to restore the same, the petitioner sought for police protection.

5. If at all a third party trespassed into the property of the petitioner and removed the gates, it is for the petitioner to take action against the third party and he cannot ask for police protection to restore the gates alleged to have been removed by a third party. Hence, the relief sought for by the petitioner cannot be granted. Accordingly, the criminal original petition is dismissed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

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

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