

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.16548 of 2016

L.Sulokshana

... petitioner

Vs.

1.The Superintendent of Police,
Chengalpattu,
Kanchipuram District.

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Maduranthagam,
Kanchipuram District.

3.The Inspector of Police,
Acharapakkam Police Station,
Maduranthakam Taluk,
Kanchipuram District.

4.Abdul Kaseem

5.Saleem

6.Kasim Bai

7.Basheer Bai

8.Ismail Bai

9.Munusamy Gounder

... Respondents

R4 to R9 are impleaded as per the order of this Court dated 09.02.2017 in Crl.M.P.No.1843 of 2017

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondents to provide police protection based on the petitioner representation dated 21.07.2016 for fencing the land situated in Nemam Village, Maduranthakam Taluk, Acharapakkam Firka, Kancheepuram District Dry S.No.29/1, 0.26.0 hec-out of 0.41.0 hec. Since, there is a threat that the antisocial elements are trying to encroach the land.

For Petitioner : Mr.A.Raja Mohammed

For Respondent : Mr.C.Iyyappa Raj

Additional Public Prosecutor for R1 to R3

O R D E R

This petition has been filed to direct the respondents to provide police protection based on the petitioner representation dated 21.07.2016 for fencing the land situated

in Nemam Village, Maduranthakam Taluk, Acharapakkam Firka, Kancheepuram District Dry S.No.29/1, 0.26.0 hec-out of 0.41.0 hec, since, there is a threat that antisocial elements are trying to encroach the land.

2. The case of the prosecution is that the petitioner on 21.07.2016, sent a representation to the respondent stating that she had lost her husband in the year 1992 and owned a property to the extent of 66 cents in Nemam Village, Maduranthakam Taluk, Acharapakkam Firka, Kancheepuram District Dry S.No.29/1, 0.26.0 hec. When the petitioner was fencing her land, the respondents 4 to 9 had obstructed the fencing work and further, threatened the petitioner. Thereafter, the petitioner had filed suit in O.S.No287 of 2013 before the District Munsif Court, Madurantakam. The District Munsif Court, Madurantakam, by judgment dated 28.11.2014, had granted a decree in favour of the petitioner declaring the title over the suit property. Further, the respondents 4 to 9 were restrained from interfering with the plaintiff's peaceful possession and enjoyment of the property. On obtaining this decree, the petitioner made representation to the respondents to put up a fence.

3. The learned counsel for the petitioner submitted that the petitioner had sent a representation on 21.07.2016 seeking police protection to the respondent to put up fence in her property. However, no action was taken by the respondent police. Hence, she filed the above petition.

4. The learned Additional Public Prosecutor submitted that in this case, the dispute is with regard to the property between two rival parties. Both of them were advised to work their remedies before the concerned Court. The petitioner, after obtaining a decree in her favour, ought to have approached the concerned Court. In this regard, the Division Bench of this Court in the case of NALLATHAMBI vs. THE SUPERINTENDENT OF POLICE, CUDDALORE POLICE STATION, CUDDALORE AND OTHERS reported in 2005-1-L.W.422 held that when the suit is decreed, the course of action open to the petitioner is to execute the decree under Order XXI Rule 32 or Order XXI Rule 35 C.P.C before the appropriate Court. Hence, it would be appropriate that the petitioner has to approach the concerned court and execute the decree order under Order XXI Rule 32 or Order XXI Rule 35 C.P.C.

5. In view of the above, the Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

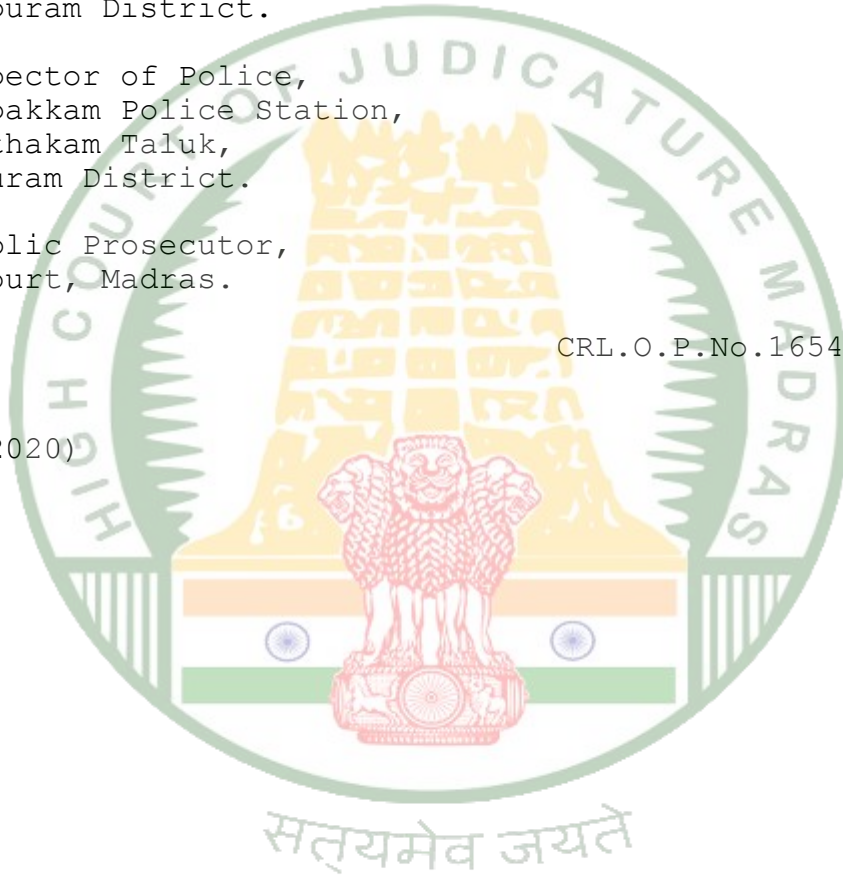
ssb

To

- 1.The Superintendent of Police,
Chengalpattu,
Kanchipuram District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Maduranthagam,
Kanchipuram District.
- 3.The Inspector of Police,
Acharapakkam Police Station,
Maduranthakam Taluk,
Kanchipuram District.
4. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.16548 of 2016

AJS (CO)
GN(29/10/2020)



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