

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2020

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Cr1.O.P.No. 841 of 2020

Dr.M.MuthuSaravana Kumar

...Petitioner

-Vs-

1. The Commissioner of Police,
Coimbatore.

2. The Inspector of Police,
Singanallur Police Station,
Singanallur, Coimbatore.

3. R.Durairaj

4. D.Chithra

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the respondents 1 and 2 to provide adequate police protection to the hospital and its premises situated at Door No.331/1, Trichy Road, Singanallur Village, Coimbatore South Taluk, Coimbatore District, comprised in Survey No.291, Ward No.36, Block No.17, T.S.No.16 and 17 and to the life of the persons within the precincts of the property.

For Petitioners : Mr.Tholgappian

For respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondents 1 and 2 to provide police protection to the hospital and its premises at Door No.331/1, Trichy Road, Singanallur Village, Coimbatore South Taluk, Coimbatore District, comprised in Survey No.291, Ward No.36, Block No.17, T.S.No.16 and 17 and to the life of the persons within the abovesaid premises of the property.

2. The learned counsel for the petitioner has submitted that the respondents 3 and 4 obtained loan from the Canara Bank Ondipudur Branch, Coimbatore to the tune of Rs.15,49,51,000/-by mortgaging the abovesaid property. He further submitted that the authorised officer of the Bank had sold the property to the petitioner under 'E' auction which was held on 03.11.2018 for a sum of Rs.6,10,00,000/- and issued a sale certificate in favour of the petitioner. He

further submitted that the District Collector, Coimbatore has also handed over the possession of the property on 09.10.2019 to the petitioner, but the respondents 3 and 4 are trying to trespass into the aforesaid property illegally and giving troubles to the petitioner and hence the petitioner has lodged a complaint before the second respondent on 19.12.2019. But, so far, no action has been taken. Therefore, he prayed for granting police protection to the petitioner and his properties.

3. The learned Additional Public Prosecutor has submitted that after enquiry, the petitioner's complaint was closed on 22.12.2019 as it is civil in nature.

4. If the petitioner had purchased the property and also took possession, it is open to him to file a Civil Suit before the competent Court and get injunction against the respondents 3 and 4. After getting such injunction order from the Civil Court, if necessary, he can approach the same court by filing petition u/s.151 C.P.C., to provide police aid and instead of that he cannot file this kind of petition before this court.

5. For the aforesaid reasons, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Police, Coimbatore.

2. The Inspector of Police,
Singanallur Police Station,
Singanallur, Coimbatore.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Tholgappian, Advocate, S.R.No. 3776

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SSV(CO)
GN(24/02/2020)