

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.7018 of 2018

Gokilam

.. Petitioner

Vs

The State represented by,
The Inspector of Police,
ThiruthuraiPoondi Police Station,
Thiruvarur District. ... Respondent

Prayer :- Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent police to give police protection to the petitioner as per the order of the Learned Subordinate Court at Mannargudi dated 08.01.2018 thereby enabling the petitioner herein to recover the possession of this property from the legal heirs of Mr.Pothiyappan.

For Petitioner : Mr.M.Suresh
For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the respondent police to give police protection to the petitioner as per the order of the Learned Subordinate Court at Mannargudi dated 08.01.2018 thereby enabling the petitioner herein to recover the possession of this property from the legal heirs of Mr.Pothiyappan.

2. The learned counsel for the petitioner would submit that the petitioner has already filed a suit in O.S.No.91 of 2009, before the learned District Munsif Court at Thiruthuraipoondi, Thiruvaur District and sought to direct the defendant therein viz., Pothiyappan to handover the possession of the encroached land to the petitioner and the said suit was ordered in favour of the petitioner herein on 30.08.2013. As against the same defendant therein had filed an appeal before the Subordinate Court at Mannrgudi, Tiruvarur District and the same was dismissed on 29.10.2014 in the meanwhile he died. Thereafter, she has filed an execution petition in E.P.No.10 of 2016 as against the legal heirs of the defendant therein. In

the above EP, she has filed E.A.No.4 of 2018, seeking for police protection as against the legal heirs of the defendant therein to recover her property without any disturbance or harassment from them and the same was ordered in her favour. But the respondent police have not taken any action till date. Hence, she filed this Criminal Original Petition.

3. The learned Additional Public Prosecutor would submit that the respondent police cannot give police protection in a case of this nature, since, admittedly, E.P., is pending before the Court below.

4. Heard Mr.M.Suresh, learned Counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the respondent/police.

5. Taking into consideration the above facts and circumstances, this Court is not inclined to grant police protection to the petitioner and his property.

6. In view of the above, this Criminal Original Petition stands dismissed.

-s/d-

Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

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To

1.The Inspector of Police,
ThiruthuraiPoondi Police Station,
Thiruvarur District.

2.The Public Prosecutor,
High Court, Madras.

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VS(CO)
SP(07/10/2020)