

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2020

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CrI.O.P.No.1736 of 2020

Pastor.Mr.R.Jayapaul

...Petitioner

-Vs-

The Inspector of Police (L&O),
S-5, Pallavaram Police Station,
Pallavaram, Chennai 600 043.

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the respondent to give police protection to the petitioner and to his property situated at No.2/481, Kannabiran Koil Street, Thrisoolam, Chennai - 600 043 on the basis of the petitioner's complaint dated 20.01.2020.

For Petitioner : Mr.G.V.Sridharan
For respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondent to give police protection to the petitioner and to his property situated at No.2/481, Kannabiran Koil Street, Thrisoolam, Chennai - 600 043 on the basis of the petitioner's complaint dated 20.01.2020.

2. The learned counsel for the petitioner has submitted that the petitioner is the founder of M/s.Methesda Prayer House, has duly registered before the Sub Registrar Office at Pallavaram dated 05.02.2015 vide Doc.No.29 of 2015 and the trust is a private social and Charitable trust. The major objects of the trust is to proclaim the love of Jesus Christ through public meeting, healing ministries and by such other expression or love and concern to the youth and poor, regardless caste, colour and community and other objects have stated in the trust deed. He further submitted that the

petitioner is carrying on the prayer house to preach the Christianity having at No.2/481, Kannabiran street, Thrisoolam, Pallavaram, Chennai in Survey No.85/1 measuring to an extent of 5 cents or 2180 sq.ft land with the building thereon. He further submitted that on 27.12.2019, the accused persons along with henchmen, rowdy elements came to the subject property and tried to dispossess the petitioner out of the subject property and the said attempt was defeated on the intervention of the believers and neighbours. He further submitted that with regard to the said occurrence, the petitioner has approached the respondent and gave a complaint. But, the respondent has not entertained the said complaint and hence the petitioner has filed a Civil Suit in O.S.No.14 of 2020 on the file of the District Munsif Court, Alandur for the relief of permanent injunction to restrain the accused from interfering with his possession and enjoyment of the said property. In the said suit, he also filed an application seeking interim injunction and in the said application, notice has been ordered to the accused. He further submitted that during the pendency of the said suit, on 20.01.2020 the accused persons again came to the said property and they had wordy quarrel with the petitioner and tried to dispossess the petitioner and hence the petitioner has lodged a complaint before the respondent on the same day ie. on 20.01.2020, seeking police protection. But, the respondent has not taken any action on the said complaint and therefore he prayed to direct the respondent to give police protection to the petitioner and to his property.

3. Per contra, the learned Additional Public Prosecutor has submitted that since the petitioner has already filed a suit before the Civil Court seeking permanent injunction and also filed an application seeking interim injunction, he has to workout his remedy only before the Civil Court and in the said disputed facts, the police cannot interfere and therefore, he prayed to dismiss the petition.

4. Admittedly, the petitioner has filed a suit in O.S.No.14 of 2020 on the file of the District Munsif Court, Alandur against one Ganesan @ Nigemia and three others for the relief of permanent injunction. He also filed an application seeking interim injunction. It appears that the learned District Munsif has not granted any ad-interim injunction. If really, the petitioner has made out a prima facie case, the Civil Court would have granted the interim injunction to protect his possession. But, the Civil Court has not granted any interim injunction. In the disputed facts, this Court cannot interfere. He has to workout his remedy before the Civil Court. After obtaining order in his favour before Civil Court if necessary, he can file petition before the same court for police aid for enforcing the said order. Instead of that, he cannot approach this Court.

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

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

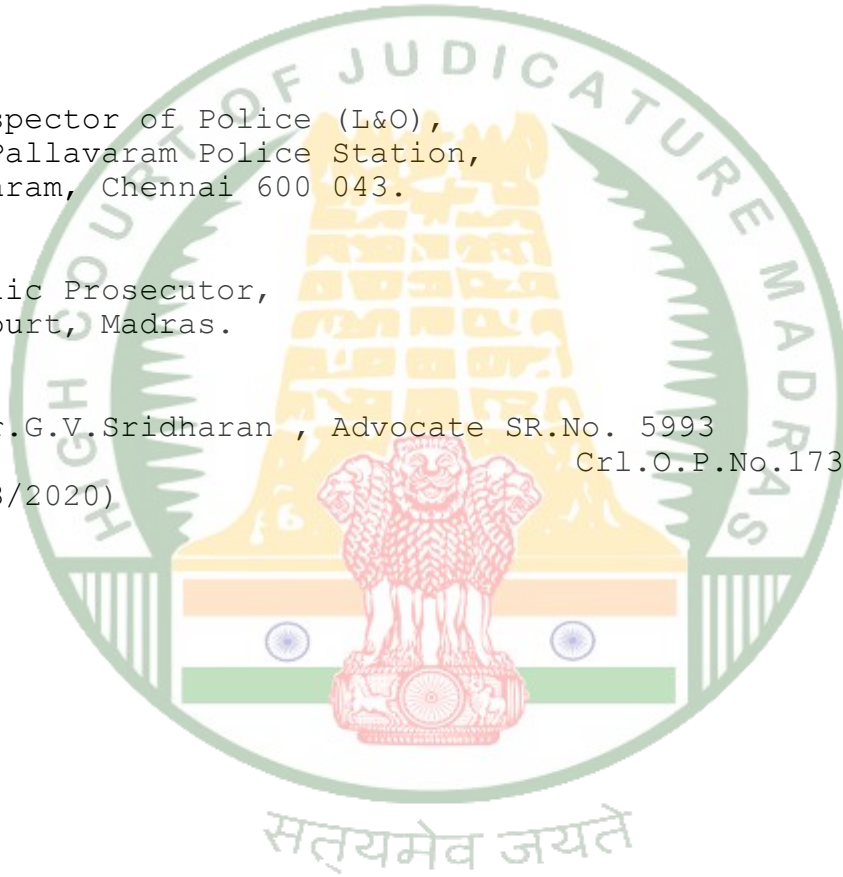
1. The Inspector of Police (L&O),
S-5, Pallavaram Police Station,
Pallavaram, Chennai 600 043.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.G.V.Sridharan , Advocate SR.No. 5993

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A.SK(05/03/2020)



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