

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.05.2020

CORAM:

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Crl.O.P.No.7520 of 2020

Natesan M/A 58
S/o Pavadai

...Petitioner

Vs.

1. The Superintendent of Police
Office of the Superintendent of Police,
Cuddalore District.
 2. The Deputy Superintendent of Police
Office of the Deputy Superintendent of Police,
Division 8, Neyveli Township,
Cuddalore District.
 3. The Inspector of Police,
Oomangalam Police Station,
Oomangalam.
 4. Saravanan M/A 61
S/o Kumarasamy
- ...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to direct the third respondent to give adequate police protection

to the petitioner's life and liberty and his property against the fourth Respondent and his wife by considering the petitioner's complaint dated 16.04.2020 and 01.05.2020.

For Petitioner : Mr.S. Vinothkumar

For Respondents : Mrs. Kiruthiga Kamal
Government Advocate

ORDER

This Petition has been filed seeking direction to the third respondent to give adequate police protection to the petitioner's life and liberty and his property against the fourth Respondent and his wife by considering the petitioner's complaint dated 16.04.2020 and 01.05.2020.

2. It is the case of the Petitioner that he has obtained the decree in O.S.No.307 of 2008 for an extent of 0.93.0 Acres in 2.30 Acre in respect of the immovable property. The appeal filed by the other side is also dismissed. Now, the Second Appeal is pending. However, there was no interim order granted by this Court. According to the petitioner, he is in possession of the property. Therefore, it is necessary to protect his

possession. Hence, seeks direction to the police to grant protection.

3. Whereas the learned Government Advocate (Criminal Side) submitted that Petition filed by the Petitioner was enquired in CSR.No.203 of 2020 and the same was closed.

4. In such a view of the matter, this Court is of the view that there cannot be any blanket direction to enforce the decree of the civil courts. Admittedly Second Appeal is pending as against the judgment of the lower court. Such being the position, until the finality is reached, this court cannot issue blanket direction to the police to enforce the decree. If at all there is no injunctions or interim orders granted by the High Court, it is for the petitioner to enforce the decree before the execution Court.

5. In such view of the matter, no direction cannot be granted. However, the Petitioner is directed to give another representation to the police within a week from today. On such representation, the police shall

enquire the sam and examine the parties and decide the petition on merits. It is made clear that this order shall not be construed to mean that the direction is given to the police to take action only in favour of the petitioner. The police has to decide the representation on its own merits.

6. With the above direction, the Criminal Original Petition is disposed of.

12.05.2020

Index :Yes/No
Internet :Yes/No
ggs

To

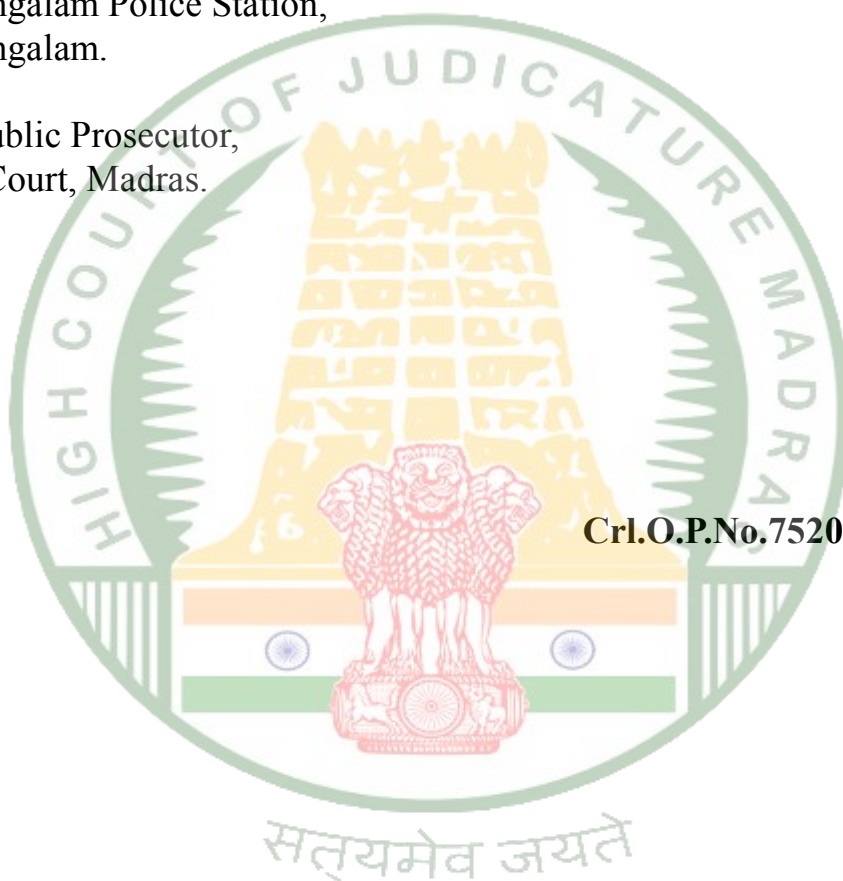
1. The Superintendent of Police
Office of the Superintendent of Police,
Cuddalore District.
2. The Deputy Superintendent of Police
Office of the Deputy Superintendent of Police,
Division 8, Neyveli Township,
Cuddalore District.

N. SATHISH KUMAR,J.

Ggs

3. The Inspector of Police,
Oomangalam Police Station,
Oomangalam.

4. The Public Prosecutor,
High Court, Madras.



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