

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No. 10558 of 2020

C.Subburathinam,

... Petitioner

Vs.

1.The Inspector of Police,
Vellkoil Police Street,
Vellakoil,
Kangeyam Taluk,
Tirruppur District.

2.S.Palanivel

... Respondents

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to issue direction to the first respondent to provide adequate police protection to the petitioner and his properties admeasuring Acres 2.32 cents comprised in Re-Survey No.742/1and Acres 2.01 Cents comprised in Survey No.743/4A, totally Acres 4.33 Cents situated in Vellakoil Revenue village in Kangeyam Taluk in Tiruppur District, as per the petitioner's complaint made on 21.03.2020.

For Petitioner : Mr.R.Neelakandan

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

O R D E R

This petition has been filed for a direction directing the first respondent to provide adequate police protection to the petitioner and his properties at measuring Acres 2.32 cents comprised in Re-Survey No.742/1and Acres 2.01 Cents comprised in Survey No.743/4A, totally Acres 4.33 Cents situated in Vellakoil Revenue village in Kangeyam Taluk in Tiruppur District, as per the petitioner's complaint made on 21.03.2020.

2.The learned counsel for the petitioner would submit that the learned III Additional District judge cum Sessions Judge, Tiruppur at Dharapuram, is also issued decreed infavour of the petitioner as against the second respondent herein in O.S.No.190 of 2015 dated 01.08.2018. However, the second respondent did not comply with the decree thereby, the petitioner deposited the balance sale consideration into the Court. Consequently, the

sale deed in respect of the suit property was executed of 19.09.2019, in pusuant to the order passed in Execution Petition in E.P.No.54 of 2018 on the file of III Additional District Court, Dharapuram. Further, he submitted that the second respondent refused to hand over possession to the petitioner. Therefore, the petitioner filed an application in E.A.No.51 of 2019 for taking physical possession from the second respondent. Thereby, the physical possession was handed over to the petitioner by the Court bailiff of Sub-Court, Kangeyam, in accordance with law on 24.01.2020. Now, the petitioner tried to put up fence for his property. In which the second respondent herein is trying to encroach the said property and threatening the petitioner herein to fence his property. Hence, this petition has been filed seeking police protection.

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

4. Heard Mr.R.Neelakandan learned Counsel for the petitioner and Mr.S.Karthikeyan learned Additional Public Prosecutor for the first respondent.

5. The petitioner in this case has admittedly obtained an order of sale deed against the second respondent. The second respondent is continuously interfering the possession and enjoyment of the petitioner. The petitioner has to file an appropriate petition before the Court below and initiate contempt proceedings. It is also possible for the petitioner to seek for police protection before the Court below, by filing an appropriate petition under Section 151 of Cr.P.C. The petitioner cannot maintain an independent petition before this Court seeking for police protection. The police cannot interfere in this case, unless, a specific direction has given by a competent Civil Court.

6. In view of the above, this Criminal Original Petition is disposed of, by giving liberty to the petitioner to workout his remedy before the Court below in the manner indicated herein above.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vsn

To

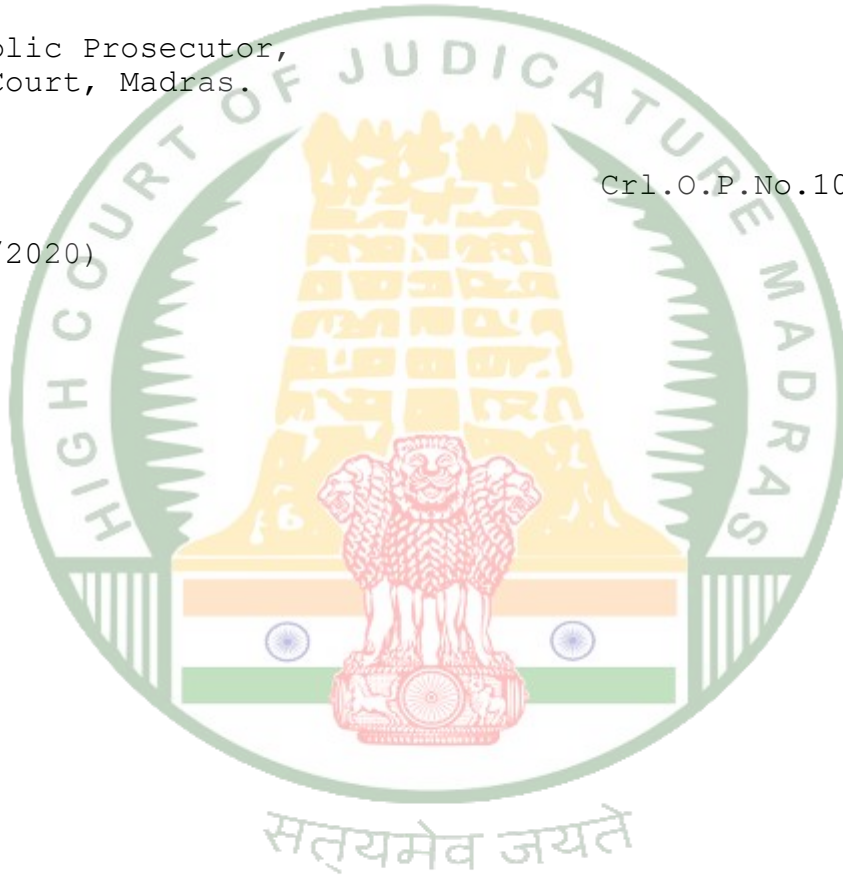
1.The III Additional District Judge cum Sessions Judge,
Tiruppur, Dharapuram

2.The Inspector of Police,
Vellkoil Police Street,
Vellakoil,
Kangayam Taluk,
Tirruppur District.

3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.10558 of 2020

MG (CO)
RMP (09/10/2020)



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