



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2020

CORAM:

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.15134 of 2020

M.Kalaimani (M/37 years)
S/o.Murugesan,
No.133, Main Road,
Periyappattu Village,
Silambimangalam Post,
Bhuvanagiri Taluk,
Cuddalore - 608 801.

... Petitioner

Vs

- 1.The Superintendent of Police,
Cuddalore District.
- 2.The Inspector of Police,
Puduchathiram Police Station,
Cuddalore District.
- 3.Munusamy,
S/o.Uthandipadayatchi
4. Ganesan,
S/o.Munusamy
5. Rajendran,
S/o.Munusamy
6. Sankar,
S/o.Munusamy,
Respondents 3 to 6 are residing at
Periyappattu Village,
Silambimangalam Post,
Bhuvanagiri Taluk,
Cuddalore - 608 801.

... Respondents

Prayer :- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent police to provide police protection to the petitioner and his family enabling them to put up compound wall in and around the property in Survey No.82/3, situated at Periyappattu Village, Silambimangalam Post, Bhuvanagiri Taluk, Cuddalore District by considering the representation of the petitioner dated 18.08.2020.



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For Petitioner : Mr.A.Ramalingam

For Respondents

For R1 & R2 : Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

This petition has been filed seeking for police protection to the petitioner and their men while erecting fence around the property comprised in S.No.82/3, measuring an extent of 29 cents at Periyappattu Village, Silambimangalam Post, Bhuvanagiri Taluk, Cuddalore District by considering the representation of the petitioner herein dated 18.08.2020.

2.The learned counsel appearing for the petitioner submitted that the petitioner owned the subject property by the settlement deed dated 24.08.2010 registered vide Document No.611 of 2010 at the office of the Sub-Registrar, Pudhuchathiram. The respondents 3 to 6 filed a false and frivolous suit for injunction in respect of the said property as against the petitioner in O.S.No.48 of 2010 on the file of the District Munsif-cum-Judicial Magistrate, Parangipettai. The suit was decreed in their favor. Aggrieved by the same, the petitioner's father filed appeal suit in A.S.No.4 of 2014 and the same was allowed and judgment and decree passed by the trial Court was set aside. Again aggrieved by the said orders, the respondents 3 to 6 filed 2nd appeal before this Court in S.A.No.435 of 2018 and the same was also dismissed by the judgment and decree dated 12.11.2018 confirming the decree and judgment passed by the appeal suit in A.S.No.4 of 2014. Despite the Civil Court decree and judgment passed in favor of the petitioner's father the respondents 3 to 6 are continuously disturbing the possession and enjoyment of the property by the petitioner herein. Infact, the petitioner also filed a direction petition before this Court in Crl.O.P.No.19342 of 2019 to provide police protection by surveying the property. On the direction issued by this Court, the Taluk Surveyor also surveyed the land with the help of the police and laid the boundary stones in and around the said property. Now, the petitioner intended to fence the property by putting up compound wall. The respondents 3 to 6 again objected the same and as such the petitioner lodged complaint on 18.08.2020 to provide adequate police protection to the petitioner and his family members.

3.The learned Additional Public Prosecutor submitted that there is a civil dispute between the petitioner and the respondents 3 to 6 herein. In respect of the said property, already suits filed by the counter parties was dismissed. On the



strength of the said decree, the petitioner now intends to put up compound wall in and around the said property. In this regard, the petitioner lodged a complaint dated 18.08.2020 and it is pending for trial.

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4. Considering the above submission made by the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor, the 2nd respondent is directed to conduct enquiry on the complaint dated 18.08.2020 lodged by the petitioner after issuance of notice to the respondents to 3 to 6 herein and pass orders on merits within the period of six weeks from the date of receipt of copy of this order. The petitioner is also at liberty directed to produce the Civil Court decree and all other related documents to the respondents at the time of enquiry.

5. In view of the above, this Criminal Original Petition is disposed of.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

gbi

To

1. The Superintendent of Police,
Cuddalore District.

2. The Inspector of Police,
Puduchathiram Police Station,
Cuddalore District.

3. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.15134 of 2020

NMI (CO)
SP(11/11/2020)